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THE
AFFIDAVIT OF ANDREW JACKSON,
TAKEN BY THE DEFENDANTS
IN THE SUIT OF ROBERT MAYO *vs.* BLAIR & RIVES
FOR A LIBEL,
ANALYSED AND REFUTED.

[THIRD EDITION, WITH SUPPLEMENTARY NOTES.]

BY ROBERT MAYO, M. D.
AUTHOR OF SKETCHES OF EIGHT YEARS IN WASHINGTON, &c. &c

WASHINGTON CITY, D. C.
PRINTED FOR THE PLAINTIFF.

1840.

ADVERTISEMENT TO THE THIRD EDITION.

Holding it to be an indisputable truth that every community is more or less interested in the reputation of every individual member thereof, and more particularly, that all questions affecting the character and veracity of high official agents must be of vital concernment to the whole country. I could not hesitate a moment in making this publication, both for the information of this District, of which I am a humble constituent, and for that of the country at large, by which GENERAL JACKSON has been so signally honored. Moreover, I maintain that, as the reputation of distinguished functionaries has always been justly viewed as public property of the most sacred character, any act of self-debasement on their part should as decidedly arouse public indignation and grief, for such disgrace and forfeiture of its confidence, as a wanton and unfounded attack upon them from any quarter should be severely reprov'd and punished. Nevertheless, the humblest citizen *may not*, from a just veneration for those eminent men in general, dastardly submit to be trampled under foot by a recreant from their ranks, rather than hazard the enterprise of his full exposure to the merited reproof of that Public which had *theretofore* but too liberally cherished and honored his name; on the contrary, it is equally the unalienable birthright and the conventional duty of the most insignificant member of the commonwealth to stand up in his own defence, and shed around the moral influence of perhaps too rare an example, by resisting the unjust assaults of even the most highly-favored of his fellow-citizens; nor is it less the duty of his immediate community and of the country at large to hear and adjudge the grievances of which he complains.

No man ever held the fame of ANDREW JACKSON at a higher value than did the undersigned, at a time when the public prints and every tongue were rife with the praises of his military achievements—when his conciliatory republican professions of political toleration, and the extermination of the monster *party spirit*, were lauded by many of the best patriots of the land, as the results of a just and enlightened policy; or, when his promises to bring back the ship of state to its ancient tack, and to renew the strict discipline and simple economy of its crew by the operations of a salutary reform, were sincerely believed in by multitudes of his deluded countrymen. But, when I found myself numbered among the *many dupes* of those professions and promises *unredeemed*—when I found myself and others treated with *bad faith* by GENERAL JACKSON: in the suppression of a statement of information we were virtually *commissioned* to make, auxiliary to the purposes of that promised reform—and finally perceived that all those flattering professions and joyful hopes were withered up by the most selfish passions that contaminate the human breast, fostered by party *intolerance and persecution*, which commits robbery, and by party *favoritism and corruption*, which distributes “the spoils,” both regardless of the good of the public service, I determined to dissolve all connexion with this new jacobin sect, and to vindicate myself from the imputations unjustly thrown upon me on account of the error of my then position, into which I will fearlessly say, and prove, that I was *ENTRAPPED by the fair promises of action for the public good*. Having made some progress in the performance of this task, from motives of *public duty and personal justification*, at great inconvenience and expense, I have been assailed by the foulest calumnies, which were probably intended to withdraw my attention from my publications, and discredit them if persisted in, or, possibly, to drive me back into the ranks of that *jacobin faction* I proposed to expose. A whipped cur may creep back into his former kennel, from a fear of further flagellation, or from a hope of the favors basely awarded to a fawning executive pet, but they who deal out these vile motives have never had reason to believe that either fear or temptation can operate upon me. To resist and expose this unholy alliance of a reckless faction of jacobins and gambling politicians, as well as to defend my personal character against the defamation which it is their trade to practise, I now declare myself a volunteer for and during the war.

It was in part from the various considerations above recited, and others which will appear in the sequel, that I resolved to make this publication; which, being too voluminous for a newspaper communication, I was compelled to throw into the pamphlet form or abandon it altogether. To this latter alternative I could not be reconciled, even by the obstacle of inconvenient expense; for, however mortifying it is to be visited with calumny, and to grapple with it under any circumstances, it would be an infinitely greater evil quietly to let it remain for a single day without repelling it. Had I the pecuniary ability, therefore, not only for the personal interest involved to myself, my friends, and acquaintance, but for that of the whole community, in relation to the affiant, I would most gladly place a copy of this exposition in the hands of every citizen of this vast republic, sorely aggrieved as it has been in many respects by a misplaced confidence in the same personage, who has so far compromised the dignity of his late official stations, to become the calumniator of an humble citizen.

I cannot, then, easily believe that the Public will prove to be indifferent spectators on this affair from a mistaken supposition that it is “*purely personal*,” which it surely is not: for, by so doing, may they not justly be considered as giving countenance and immunity to Executive abuses and oppression, which no man, probably, could dare to resist hereafter, at the certain consequence of having his reputation destroyed by corrupt Executive calumny, whose refutation shall pass unheeded!

I might, then, forebode that, if this be not the *first instance* of such a resistance and exposure, *it will surely be the last*, upon the same principle that governed the officers in the customs at New York, and in the Treasury Department here, who carefully concealed the defalcations of Swartwout, under the various pretences that it was not their duty to reveal or expose them; that their duty was to the collector and not to the United States, &c.; but in fact because they were slaves to their own cupidity, or to their bread, to their fears, or to their false notions of prudence and caution! *Such is the prostration to which the spirit of subordinate officers has been reduced by the iron will and domination of ANDREW JACKSON!!* May I die under ten thousand tortures before the insidious doubt should ever insinuate itself into my breast whether I too would not resign myself a victim to such a policy!

ROBERT MAYO.

TO THE PUBLIC.

More than nine years ago (that is, early in December, 1830) I addressed to General Jackson, then President of the United States, a letter, (see Appendix A,) "to be used in any way he might deem proper," giving him a detailed statement of General Houston's plans of organizing an expedition against the Mexican province of Texas, accompanied with a copy of his scheme of secret cryptographical correspondence, and referring to witnesses.

In the fall of 1836, that original letter and cipher were handed to me by the PRESIDENT'S MESSENGER, in the routine of sundry other documents of mine returned to me through the same messenger, in pursuance, as I had every reason to suppose, of a *standing request* from me to Major Donelson, the private secretary of the President, to have all my communications, letters, &c., hunted up* and returned to me, as soon as convenient, after all contemplated action had upon them—excepting any that might be retained by the President, of course. See Note [a.] in the Supplement.

Such was the purport of *my request*, which was made in consequence of the inability of the private secretary to lay his hands upon such documents, in frequent instances, when called for by me in person; and, as an evidence that it was so understood by Major Donelson, I did receive *at my lodgings* many returns of documents in that way by the hands of the same messenger, which I now have in my possession, but are too voluminous to exhibit here, though they shall make their appearance in another publication.

There was also a request and a promise to the same effect in behalf of a friend, then in Virginia, for the return of his documents, whose letters to me will not only establish the fact, but show that more than twelve months elapsed before his papers were found; and I believe it was the practice of General Jackson, or his private secretary, to return all communications with the evidences of action endorsed upon them, or accompanying them, when there was no reason assigned for withholding them; and, more particularly about the close of his administration, I have reason to believe this practice was very general, and that probably the letter returned to Mr. Van Buren about that time, wherein the writer had urged on the President his objections to the appointment of Samuel Swartwout as collector of the customs at New York, is an eminent instance. The Richmond Enquirer is the organ through which the public was informed of the restoration of that letter: perhaps

* This function of *hunting up* documents and letters called for was certainly *sometimes* intrusted to the President's messenger, as I occasionally understood from Major Donelson himself, when he would promise me to have such as he could not readily lay hands on for me searched for by the messenger and sent to me. And I believe many other persons are acquainted with the fact, or at least are of the impression, that the President's messenger was the principal *conservator* of his files. [Such is the case, in some degree, with messengers in several of the Departments.] Whether he discharged that function faithfully, fell short of, or exceeded his duty, the President and his private secretary ought to be the best judges. Whenever he brought a package to me, I questioned not the authority by which he brought it; and as they were in every instance my own, accompanied only with the President's action upon them, whether satisfactory or not to my views and wishes, I considered the matter, so far, as final, and was then left to my discretion and choice what use I should again make of them; and, as an evidence of this, in some instances I would recommit the same document to the President, with a request to reconsider his decision: which fact can be substantiated at a proper time by the documents themselves. I will barely make the suggestion here, that General Jackson, except for the malignant temperament of his mind, would in all probability have supposed that Major Donelson, in returning me my papers, inadvertently sent the copy also of his letter to Fulton, filed as it was in the same package with my letter on Houston's conspiracy as evidence of his action upon it. or, indeed, if it were evidence of satisfactory action, he never would have considered it worth a rush to make a clamor about its publication, much less have made a labored argument of falsehoods to give color to a most improbable supposition: which seems rather to suppose that he stands self-condemned as to the hypocritical subterfuge of the letter to Fulton, and is himself the author of the libel on me, as a revenge for the publication of that letter, with a commentary unmasking the duplicity of its object.

the editor of that paper knows something more of the practice and policy of *returning* or *retaining* communications. In addition to these instances, and the mass of such documents so returned to me and now in my possession, it is probable I shall hereafter be enabled to cite many others, to the same effect, as demonstrating the practice.

The envelope of this original letter, so returned to me, bore this endorsement by the President viz: "Dr. Mayo—on the contemplated invasion of Texas—private and confidential*—a letter to be written (confidential) to the Secretary of the T. of Arkansas, with copy of confidential letter to Wm. Fulton, Esq., Secretary of the T. of *Florida*." Within that envelope was my original letter and the cipher above mentioned, with a single other document *only*, purporting to be a copy of a letter to Mr. Fulton, dated the 10th December, 1830, showing the action of the President upon my aforesaid letter; which copy to Fulton bore this endorsement, viz: "(Copy) confidential—Wm. Fulton, Sec. of the T. of *Florida*—private and confidential;" and, on the *inside*, this copy is headed "STRICTLY CONFIDENTIAL". From these confused endorsements on these two documents, (that is, on the general envelope, and on the copy of the letter to Fulton,) it was, to my mind, a matter of doubt whether any such letter had been sent to the Secretary of *Florida*, as there was no such Secretary of Florida there named; and no such letter has, in fact, ever been since alleged to have been sent to the Secretary of Florida: and, on the same account, it was equally worthy of doubt whether one had ever been sent to the Secretary of Arkansas, whose address was not clearly designated; or, had such letters been sent, they were probably falsely directed—otherwise, these endorsements would have been correctly made at first, or have been corrected afterwards. It appeared to me, therefore, upon examining this package, *not only* that it presented a singular confusion, *but* that it was possibly handed to me to show the action, whether sham or real, that had been taken upon it; there being probably no reason longer to keep it secret, as most of the facts had now become history, and upon which there might be no objection to the injunction of secrecy being removed; or, on the other hand, it seemed quite as probable that the *fact* of the copy of the letter to Fulton *being in the package* was inadvertently overlooked. But, under all the circumstances, as the case presented itself to my mind, I concluded that, by whatever motives this package was handed to me as the *communicator* of its principal contents to the President, they were perfectly immaterial to the course I deemed it proper for me to pursue in regard to it, since (perceiving the series of covert falsehoods reciprocally embraced in, and deducible from, both this copy to Fulton and the volume of diplomatic correspondence between the President of the United States and the Mexican minister on the same subject) I held myself bound, by a high paramount obligation to my country and to the world, to expose the whole matter, and at the same time to vindicate myself against the *discredit* indirectly thrown upon my statement of Houston's designs by the allegations of General Jackson in his letter to Fulton, in which he says: "I am *induced to believe*, and hope, that the information I have received *is erroneous*; that *no movements* have been made, *nor have any facts been established*, which would justify the adoption of official proceedings against *individuals* implicated." I, therefore, unhesitatingly made it public in various ways, and exhibited a fac-simile of the said letter in my recent publication of "Eight Years in Washington"—*which exposure, I now solemnly aver, I would have made had it been the last act of my life!*

In consequence of some or all of these modes of publication, Messrs. Blair & Rives, in several issues of the Globe newspaper, charged me, by various modes of expression, with having *purloined* the said copy of General Jackson's letter to Mr. Fulton; for which outrage I instituted a suit against them, in the circuit court of the District of Columbia, for libel. Preparatory to the trial of this suit at the next November term of the court, the defendants have caused General Jackson's AFFIDAVIT to be taken in justification of their charge. Upon being informed of the existence of that affidavit on record in the clerk's office, at the present session of the court I immediately ordered a copy, and, after perusing its extraordinary contents, resolved that I would not submit to the foul calumny cast upon me a moment longer than could possibly be avoided, but that I would lay the slanderous document immediately before the public in this form, with a brief analysis and refutation of it, lest any man, knowing of its existence, should pass from this stage of being before I should otherwise have it in my power to correct any supposition or belief that it was possible those imputa-

* The character of "private and confidential" was assumed for this letter by General Jackson himself, and for motives best known to himself, without my request or knowledge, but expressly "to be used in any way he might deem proper."

tions were true, and also that General Jackson, especially, should have the earliest opportunity of seeing his malignant falsehoods laid bare to the world!

I have ample reason to believe that there exists an abundance of facts in the possession of many of the most respectable citizens of this country, which, if they do not prove that General Jackson was habitually addicted to the perversion of truth, will at least prove that he is unceremonious in the perpetration of **FALSEHOOD** when he thinks it would serve his purposes of *ambition or malice* better than the truth. *And I now make a solemn appeal to all such persons, as an act of justice to the public in general, and to the cause of truth, to furnish me with such facts as they may have in their possession, or can refer me to, between this time and the trial of the suit at the next November term of the court.*

The following is the **AFFIDAVIT** in answer to six interrogatories, of which my business will be, for the most part, with the deponent's answer to the sixth. In attempting to show how I might have purloined the copy of his letter to Fulton, the deponent actually shows, upon every rational principle and practice in official or social intercourse, how it was morally impossible that I could have done the deed; and in urging, against reason and fact, his *made up* recital and *forced* inference, he shows himself to be a *prejudiced witness*, and a *partial partisan* of the defendants, as will presently be demonstrated to the satisfaction of every intelligent and impartial person.

INTERROGATORIES.

First interrogatory.—Did you ever write and send to Wm. Fulton, Secretary of the Territory of Arkansas, a letter of which the following is a copy? [See Appendix B, for the letter alluded to.]

Second interrogatory.—When did you write such a letter?

Third interrogatory.—Did Gov. Fulton acknowledge the receipt of such a letter?

Fourth interrogatory.—Did you take a copy of the letter when you wrote it, and what did you do with it?

Fifth interrogatory.—Did you ever give or deliver a copy of the letter you wrote Governor Fulton to Mr. Robert Mayo?

Sixth interrogatory.—What eventually became of the copy? and, if you please, state whatever else you may know respecting the above letter, and how it came into the possession of Robert Mayo.

Interrogatory to be answered by A. J. Donelson, Esq.:

Read the first of the interrogatories contained in the paper now handed to you, to which is annexed the copy of a letter addressed by Gen. Andrew Jackson, late President of the United States, to Wm. Fulton, Esq., dated Washington, December 10, 1830; and state whether you have any recollection of the original of that letter, and whether you have any knowledge of the manner in which it came into the possession of Robert Mayo, of Washington city?

The deposition of Gen. Andrew Jackson, late President of the United States, in the case of Robert Mayo vs. F. P. Blair and J. C. Rives, for libel, now pending in the Circuit Court of the District of Columbia for Washington county, Washington city, District of Columbia, who, being duly sworn, deposeth and saith that he resides at the Hermitage, in the county of Davidson and State of Tennessee, about seven hundred and fifty miles from the city of Washington—

To the first interrogatory he answereth and saith, he did write and send to William Fulton, then Secretary of the Territory of Arkansas, a letter, of which the annexed to the interrogatory is a true copy.

To the second interrogatory he answereth and saith, that he wrote that letter on the day and at the place it purports to be written; that is to say, at Washington city, December the 10th, 1830.

To the third interrogatory he answereth and saith, that Gov. Fulton did acknowledge the receipt of that letter, and with it made a report of his proceedings in pursuance of the request made in my letter; which letter and report was placed on file, with the copy of my confidential letter to him of date the 10th of December, 1830, and deposited in my confidential bureau in my office, from whence it was purloined.

To the fourth interrogatory he answereth and saith, that he did take a copy of that letter when he wrote it, and placed it in his confidential bureau in his office.

To the fifth interrogatory he answereth and saith, that he never did deliver a copy of that letter he wrote to Governor Fulton to Robert Mayo, or to any other person.

To the sixth interrogatory he answereth and saith, [1] that the aforesaid letter was purloined from his office, [2] together with the report of Governor Fulton made to him of [3] his investigation of General Houston's [4] meditated invasion of Texas, [5] which all proved fallacious, as appeared from Governor Fulton's report, [6] which report was placed with the copy of the confidential letter of the 10th of December, 1830, in my confidential drawer in my office, from whence it was purloined, as he believes, by some one, [7] and he believes by Robert Mayo, the plaintiff in the cause now pending. For this belief affiant begs leave to state his [8] reasons: The plaintiff, Robert Mayo, had written him two [9] confidential letters, making serious charges against many of the clerks employed by the Government in Washington, in its various Departments. These confidential letters were [10] placed in my confidential drawer in my office, where [11] the copy of my letter to Governor Fulton, then Secretary of the Territory of Arkansas, with his [12] reply and report, were deposited. After [13] receiving these confidential letters from Robert Mayo, the plaintiff, this deponent informed him that he could [14] not, nor would not, take any measures against these clerks on his confidential complaints; that he must furnish deponent with specific [15] charges, to which these clerks would be called upon to respond; that [16] all men were presumed to be innocent until guilt was established; that [17] every man charged with crime, or acts that would affect his moral character, ought to be heard in his own defence; and that he would [18] not act upon confidential and secret information against any one. The plaintiff, Robert Mayo, in a few [19] days thereafter presented this deponent with a long [20] list of charges in writing against a great many clerks in the different Departments, which was forthwith [21] referred to the heads of Departments to be fully investigated, upon which [22] investigation Robert Mayo failed [23] to establish his charges made against any one individual charged. Soon [24] after this full [25] investigation, Robert Mayo applied [26] to this deponent to withdraw these public charges; deponent told him he [27] might, as the charges being made by him and not established, would, now lying on my public files, destroy [28] him as a man of truth forever; and I referred him to my private secretary, Major A. J. Donelson, to execute them. This deponent was informed [29] by Robert Mayo and Major Donelson that these public charges against

the clerks were given up to him. A few [30] days after the before-mentioned occurrence, the plaintiff, Robert Mayo, applied [31] to this deponent, and requested that he, deponent, would return to him his two confidential letters, containing charges against several clerks. These letters, as before recited, [10] had been placed in the confidential bureau, where [11] was also deposited the copy of the confidential letter of the 10th of December, 1830, to Governor Fulton. The drawer being very [32] full, this deponent had to take out many [33] papers to find those requested by Robert Mayo to be returned, and lay them on his table, beside [34] which Robert Mayo was sitting. This deponent having found the two letters, [25] returned them to Robert Mayo, and told him for the future never to make charges against any one that he could not establish. During [36] this search, deponent believes, Robert Mayo seeing [37] this letter marked "strictly confidential," purloined [38] it, as it never could be found, although diligent search had been made for it through all this deponent's papers, and in the Secretary of State and War Departments, at the time the ex-President, John Q. Adams, in Congress, made the call upon the Secretary of State for this correspondence; nor was this letter ever heard of after, until it was produced in the House of Representatives and read by Mr. J. Q. Adams in his place as a member. This deponent further states that no [39] person was permitted to look into this confidential drawer but [40] his private secretary, Andrew J. Donelson, and Andrew Jackson, Jr., when there; who both have stated to this deponent that they, or either of them, never delivered or gave [41] a copy of the said letter, marked strictly confidential, dated the 10th day of December, 1830, and addressed to William Fulton, or to any other persons; and this affiant knows [42] of no one who could have had [43] access to his private drawer in his office, or purloined this letter, but [44] Robert Mayo, the plaintiff, in whose possession this purloined letter was found, [45] and acknowledged [46] by him to have handed to ex-President John Q. Adams, who used this said letter, marked "strictly confidential," in his speech in Congress. That this letter was purloined by some [47] person, this deponent doth verily believe; and from the whole [48] circumstances, as set forth and stated, the purloined letter being [49] found in the possession of Robert Mayo, and marked [50] strictly confidential; and instead [51] of handing this letter to this affiant, which he [52] would and ought to have done had [53] it been handed to him by any one, he, as it appears, handed it to the ex-President, Adams, to be used by him in Congress. This deponent does [54] believe that said letter was purloined [55] by Robert Mayo, the plaintiff in this suit.

This deponent not being further interrogated, saith not.

ANDREW JACKSON.

The deposition of A. J. Donelson, late private secretary of President Jackson, who being duly sworn, deposed and saith that he resides in the county of Davidson and State of Tennessee, about seven hundred and fifty miles from Washington city—

To the interrogatory addressed to him, this deponent answereth and saith, that he has a clear recollection of the letter referred to, and of the circumstances under which it was written by the President. The copy of the letter signed by the President, which was forwarded to Mr. Fulton, was in the hand-writing of this deponent, as he believes; and this deponent also believes that another duplicate copy was taken to the War Department by one of the young gentlemen who had charge of the confidential papers of the Secretary of War at that time. This deponent well remembers the answer made to this letter by Mr. Fulton, which was filed [56] with the original letter of the President.

Robert Mayo, the plaintiff in this cause, was never furnished by deponent with this original letter, nor with a copy of it, nor was any other individual; and this deponent being no further interrogated, saith not.

A. J. DONELSON.

True copy.

Test:

WM. BRENT, Clerk.

Whoever has any acquaintance with the many *gross injuries and annoyances* I have received from a vile Jacobin Faction here, since I discovered their insidious revolutionary designs, and abjured their associations, can form some estimate of the extreme felicitations that now thrill my bosom at having a GRAPPLE, as it were, arm to arm and face to face, with the GREAT *ir-RESPONSIBLE*, to vindicate myself in this new issue thus wantonly and unexpectedly thrust upon me—as it will, while it enables me to demolish the prime source of those grievous wrongs, necessarily have no small bearing upon the future development and proper understanding of the course I have pursued in the official skirmishes it has been my fortune to encounter with most of the Departments during the administration of that *notorious personage*, and indirectly with himself, over their shoulders, since I have been a resident of Washington; in justification of which I had undertaken to publish a book, now progressing at the press, at an expense and loss of time extremely inconvenient, and aggravating to the embarrassments of every kind in which *those injuries and annoyances* have involved me. In the present hasty exposition, therefore, which I feel myself so unexpectedly called upon to make, I shall neither have time nor inclination to be very fastidious or select in my expressions, but shall allow them to take the spontaneous tone of a *fervent indignation* at this outrageous attempt of an ex-President of the United States to sustain a GROSS LIBEL by raising *additional calumnies* against me.

In the analysis and refutation I now propose to make of the foregoing AFFIDAVIT, I shall endeavor, nevertheless, for the sake of perspicuity, to bring together the material allegations and inferences of the witness under three several heads or SECTIONS, according to their affinities, quoting his words as they apply to the subjects of those several heads, and marking those quotations numerically, for a convenient reference to them, as correspondingly marked by me in brackets, in the affidavit, viz:

1. *I shall throw into the First Section, the charge, or 'belief,' of purloining, together with the attempt to connect with it a vindication by the deponent, of the disposal he made of the testimony he had in his possession, of Horston's conspiracy.*

2. *In the Second Section, I shall more particularly notice the 'reasons' of the deponent for his charge, or 'belief,' of purloining, as they relate to his alleged disposal and*

return to me of two confidential letters making charges against me, which he says I had written to him.

3. In the Third Section, I shall notice the further reasons, or auxiliaries to the reasons, of the deponent for his charge, or 'belief,' of purloining, as they relate to a list of public charges, which he says I presented to him after he had refused to act upon the secret ones; the object of all which rambling of the deponent into the field of fiction is, (to cull embellishments for his scanty, meager, mutilated facts, barely recognisable in their fictitious array) manifestly to argue or beguile the COURT, the JURY, and the PUBLIC, (with the imposing assistance of his inflated name,) into the ABSURD "BELIEF" that one who could act the infamous part he has *falsely* imputed to me, would have purloined the copy of his letter to Fulton *without opportunity*.

I. In the first place, to the sixth interrogatory the deponent answerseth and saith (1) that the aforesaid letter was *purloined* from his office—"and (7) he believes *by Robert Mayo*, the plaintiff in the cause now pending."—"together (2) with the report of Governor Fulton made to him (4) (3) his investigation of General Houston's [1] *meditated invasion of Texas*—[5] which all proved *fallacious*, as appeared from Governor Fulton's report"—"which (6) report," [elsewhere called, in the affidavit, a "reply (12) and report,"] he says, "was placed with the copy of the confidential letter of the 10th December, 1830, in my confidential drawer in my office."

The public will presently perceive, from a comparison of the deponent's own statements, (if his testimony may be pleaded in refutation of himself,) how impossible it was 'that the aforesaid [1] copy' of his letter to Fulton could have been purloined at all; and how frivolous are the grounds of his 'belief' [7] that I purloined it, even were it possible that the deed could have been done by any one. [b.] Passing any minute examination of these points, then, for the present, till they come up with their connectives in the next SECTION, I shall only advert here to the contrast between this *hardy* assertion of General Jackson towards me, and the more *manly* course of Mr. Monroe towards Mr. Lowrie, in regard to the celebrated *No-party* letter of General Jackson in November, 1816, to Mr. Monroe, and Mr. Monroe's answer, which was in Mr. Lowrie's possession in February, 1824. In the correspondence between General Jackson and Mr. Monroe on that subject, in 1824, which I have before me, (including the correspondence of 1816,) as published in the National Intelligencer in May, 1824, General Jackson says, in his letter to Mr. Monroe of the 22d February, "If you know the date of your letter to me, *that Mr. Lowrie is possessed of*, I will thank you to advise me." In Mr. Monroe's answer to General Jackson, of the same date, he says, "I have no knowledge of the date of the letter to which Mr. Lowrie refers, *nor can I imagine* in what manner any letter of mine to you, or other friend, *should have gotten into the possession of any one*." Again, he says, "I have *no recollection* of giving any copy of my views on the subject to any one." The copy in question, if correct, must have been resorted to for unfriendly purposes, and in breach of confidence, and has *probably* been purloined." Again: "If my confidence given at the time referred to has been in any manner abused, on the letter been purloined, that is an incident which must dishonor the party guilty of such acts." Agreed, *if it were so*; but Mr. Monroe does not even intimate 'a belief' that Mr. Lowrie purloined that letter, (nor did he;) much less go into *elaborate fabrications*—or an enumeration of *true and false facts* artfully mixed up, to give a coloring to such an *inference*! Let it here be noted, however, that I do not lay much emphasis upon the correctness of the above extracts, as it is well known that the original letters referred to underwent considerable mutilations (I am credibly informed *sixty* in number) by General Jackson's accredited and confidential agent in their publication, Major Eaton, who furnished the Philadelphia Observer with one copy of this mutilated correspondence, and the National Intelligencer with another copy, each materially differing from the other, and both varying from the originals; thus falsified, of course, with General Jackson's approbation, and with the intention of imposing upon the public. But both those mutilated copies making their appearance on the same day in the Philadelphia and Washington papers, their discrepancies were not noticed by the MUTILATORS before it was too late to force them to agree, nor before General Armstrong remonstrated with General Jackson upon an exceptionable passage he saw in the Philadelphia copy, which first met his eye, and which General Jackson *denied*, because that passage did not appear in the Washington copy which he examined in the Intelligencer.

The deponent is not content with declaring his belief that I purloined the copy of his confidential letter to Fulton, but charges me with the like depredation upon "the report [2] of Governor Fulton," "which report," [6] (elsewhere called in his affidavit "reply and report," [8]) he declares, as a reason for his belief, "was placed *with* the copy of his confidential letter of the 10th December, 1830, in his confidential drawer, in his office." This is the *first* of the *multiplicity* of circumstances, artfully devised and dovetailed to-

gether, in order to give some plausibility to the most improbable and morally impossible supposition, first, that the copy of his letter to Fulton was purloined; then, that the report of Fulton was purloined, together with that copy, because they were filed together; and that I purloined them both, because the copy of the letter to Fulton is in my possession, as subsequently stated [45] in the affidavit. Everybody knows the fallacies to which ill-constructed syllogisms are incident. Let it suffice for the present to say, that *there was not* any such document as a *reply* or *report* of any sort *in company with* the copy of the letter to Fulton, when the package that contained that copy was handed to me by the President's messenger—the mode, as I have frequently said, by which that copy came into my possession; nor have I ever seen either reply or report, as separate documents or a common document; nor have I ever had any satisfactory reason to believe, if that report or reply ever existed, that it was *made* and *received* IN GOOD FAITH to the two countries whose *interest* and *honor* were at stake! Had such a report ever come into my hands, and that in the abovementioned package, as did the copy of the letter addressed to “William Fulton, Esq., Secretary of the T. of Florida,” (not *Arkansas*), I should probably have seen further evidence to confirm my exposition in a former publication, demonstrating the hypocritical Executive connivance at the conspiracy of Houston, for which that secret correspondence, sham or real, was evidently intended to perform the double alternative offices, to *SCREEN* and to *DENY*.

But what “*investigation*” [3] could Mr. Fulton or any other person have made of a matter “strictly confidential,” seeing that he could not exhibit his authority to make such investigation! Even in a matter of ordinary misdemeanor, so rigid an injunction of secrecy would have been an insuperable obstacle to *any investigation*. How impracticable, then, must he have found it, among parties who were bound together by an *OATH of secrecy and fidelity*, in an *enterprise of TREASON*? Is it not, in fact, a perfect burlesque upon terms, to say that this mere Secretary of a Territory (which the President mistook for Florida instead of Arkansas) made an *investigation* under such circumstances? But, suppose Fulton did hazard a formal *exculpatory report*, without the moral or physical possibility of having made the investigation alleged, as the district attorneys afterwards did *fraudulently exculpate well known offenders*, when this and other modes of manifesting the Executive bias, and giving a lead to public sentiment in favor of this enterprise throughout the West, had emboldened them to do so in the face of the universally known fact of military preparations progressing before their eyes, for that enterprise—were not the then transpiring and subsequent facts that were urged upon General Jackson from all quarters, sufficient to have demanded from him (were he disposed to do his duty) a general proclamation, or at least a more general and unrestricted inquiry than that *sham measure* which was locked up in Mr. Fulton's breast? Surely, *yes* would be the universal answer; for the public has too fresh a recollection of the reiterated proclamations of the present executive *incumbent*, arising probably from a different estimate of the parties injured, in the parallel case of the Canada frontier, resulting in prosecutions, condemnations, and punishment of the offenders; and they cannot have forgotten that in the case of Burr, Mr. Jefferson sent a *bona fide* agent of observation through the West, *untrammelled* with *absolute secrecy*, whose object was generally known; who was empowered not only to investigate freely, but to dissuade; and therefore was efficient—and that Mr. Jefferson not only issued proclamation, but made repeated communications to Congress on the subject. But here I might well have asked, in the first place, what “meditated [4] invasion” was this, which the deponent so slightly alluded to but once? Was it that of which I gave him a most circumstantial statement in 1830, from Houston's own disclosures, and in which I referred to several witnesses? none of which circumstances does he deign to mention in his affidavit, much less does it anywhere appear that he ever called upon a single one of those witnesses, or even upon Houston himself, who was several times, pending the execution of that enterprise, on visits to his distinguished patron and friend, the deponent! How, then, can he with truth pronounce in his affidavit that this “meditated invasion ALL PROVED FALLACIOUS,” [5] when in fact he had, as I believe, studiously avoided every proper mode of causing it to be investigated? Why did he not also give a brief statement, from his wonderful memory, of the contents of that report? I have no doubt he would have done so, did it ever *exist*, and he had supposed it would be as *satisfactory* to the public as he pronounces *it was to him*! Indeed, it surpasseth my comprehension that even General Jackson should have the hardihood now to say, in the face of history, that the statement of Houston's enterprise, made too on the testimony of several credible witnesses, was ALL PROVED FALLACIOUS by the report of a single individual, so circumstanced

that it was impossible for him to have made a competent investigation, and which report he had never thought proper to refer to in any manner before, not even in these times when he was so straightened in his correspondence with the Mexican Minister for "reasons" to justify or to excuse his obdurate incredulity in the matters set forth. I might well retort upon him here, as also at the conclusion of this, my refutation of his affidavit, and say that such a declaration is sufficient, alone, "to destroy him as a man of truth and sincerity forever hereafter," DID THAT NOW WANT TO BE DONE!

II. The deponent goes on to say: "For this belief [that Robert Mayo purloined the copy of his confidential letter to Fulton, 'together with the report' of said Fulton,] affiant begs leave to state his [8] reasons, to wit: "The plaintiff, Robert Mayo," says he, "had written him two [9] confidential letters, making serious charges against many clerks in the different Departments at Washington." "These confidential letters," says he, "were [10] placed in my confidential drawer, in my office, where [11] the copy of my letter to Governor Fulton, then Secretary of the Territory of Arkansas, with his reply [12] and report, were deposited." Further on he says, "This deponent further states, that no [39] person was permitted to look into this confidential drawer but [40] his private secretary, Andrew J. Donelson, and Andrew Jackson, jr.," who "both have stated to this deponent that they, or either of them, never delivered or gave [41] a copy of the said letter marked 'strictly confidential,' dated the 10th day of December, 1830, and addressed to William Fulton, [to Robert Mayo, he probably meant to say,] or to any other person; and this affiant knows [42] of no one who could have had [43] access to his private drawer in his office, or purloined this letter, but [44] Robert Mayo, in whose possession this purloined letter was found, [45] and acknowledged [46] by him to have handed to ex-President John Q. Adams."

"After [13] receiving these confidential letters from Robert Mayo," says he, "this deponent informed him that he could not, [14] nor would not, take any measures against these clerks on his confidential complaints, that he must furnish deponent with [15] specific charges, to which these clerks would be called upon to respond; that [16] all men were presumed to be innocent until guilt was established; that [17] every man charged with crime, or acts that would affect his moral character, ought to be heard in his own defence; and that he would [18] not act upon confidential or secret information against any one." Again, to this matter, he says: "A few days [30] after the before-mentioned occurrence, [alluding to a fictitious occurrence devised and brought in between the alleged reception and return of these fictitious letters; which fabricated occurrence will be discussed in the next section,] the plaintiff, Robert Mayo, applied [31] to this deponent to return to him his two confidential letters, containing charges against several clerks." "These letters," he repeats, "as before recited, [19] had been placed in the confidential bureau, where [11] was also deposited the confidential letter of the 10th December, 1830, to Governor Fulton. The drawer being very [32] full," says he, "this deponent had to take out many [33] papers to find those requested by Robert Mayo to be returned, and lay them on the table beside [34] which Robert Mayo was sitting. This deponent," he continues, "having found the two letters, [35] returned them to Robert Mayo, and told him never to make charges against any one that he could not establish. During [36] this search," says he, "deponent believes Robert Mayo, seeing [37] this letter marked 'STRICTLY CONFIDENTIAL,' purloined it, as it never could be found," &c.

I should think it would seem passing strange to the minds of most men, how minute General Jackson professes to be in his recollection of the most circumstantial details, after a lapse of many years, and that, too, without a document to assist his memory; while I confess that, with a tolerably retentive memory of my own, I should yet be a little at a loss to recollect with accuracy some of the circumstances of quite an *adverse* state of the facts, without the aid of the mass of documents I have in my possession, to refresh and confirm my recollection of them. Without those documents, and in the absence of my *daily growing knowledge, for several years past*, of General Jackson's *unfortunate foible*, I should, perhaps, be almost induced to doubt the validity of my own recollections in contradiction of such a tissue of peremptory asseverations he has woven into this affidavit.

It has been seen how positively he asserts that the copy of his letter to Fulton was placed, with Fulton's reply and report, in his confidential drawer, (that is, "filed" [56] with it, as Major Donelson expresses it,) and that the copy of the letter, together with the report, were both purloined, as he believed, by Robert Mayo; and now we see, he "further states that no [39] person was permitted to look into this confidential drawer but [40] his private secretary, Andrew J. Donelson, and Andrew Jackson, jr." Yet, again, in another place, he says "and this affiant [42] knows of no one who could have had [43] access to this confidential drawer in his office, or purloined this letter, but [44] Robert Mayo." Now, every sane and ingenuous mind must be at a loss to conceive how I could have had access to this confidential drawer, when no one was permitted to look into it but the two persons mentioned! What, then, can any one imagine, was the nature of the access pretended to be set up for me, in the face of this unqualified interdiction? It will be in vain to attempt to make it out from his affidavit, if it be not in that part of it where he fabricates a tale of his making, "a [36] search" in this drawer, in my presence, (for certain alleged "two confidential [9] letters" of mine, to return them to me, while he would have me to be sitting beside the table on which, his confidential drawer where they were deposited being *very full*, he had to lay many papers;) and says, that "during this search, deponent believes Robert Mayo, seeing [37] this letter [meaning his letter to Fulton] marked 'STRICTLY CONFIDENTIAL,' purloined it," &c. Now, passing by the *question of fact*, as to two confidential letters, for due consideration in its proper routine, let it be here supposed that such a *table scene* ever did exist; I would then ask every man who has any acquaintance with the trans-

tions of business at a desk or table, while another is sitting by, what kind of *access* it is, whereby that other could purloin his papers *before his face*, or would dare hazard such an enterprise? Does not the supposition bear absurdity in every aspect of it? What would not be the state of daily insecurity of the documents in the public offices generally, and of every man's private papers, in the transaction of business with our fellow-citizens? Indeed, *such a far-fetched supposition*, to dandle a string of falsehoods and absurd reasoning upon, could hardly have been hazarded to tantalize the veriest dupes in the world without, not even by General Jackson himself, had he not already been emboldened (by the oft-repeated and wonderful instances of public infatuation, in sustaining his outrageous acts and declarations on more important occasions,) to dare say or do *any thing* that his ambition or malignity might prompt him to, however absurd the one, or ruinous the other to his country's weal! Such a supposition is sufficient at once to challenge and to defy both the audacity of a pickpocket, and the skill of the most consummate adept in the juggler's art! Nay, it is too preposterous to enlist the credulity even of the proselytes of the *new Jacobin school* of moral depravity sprung up under his *CORRUPTING PATRONAGE*, much less of any one decent citizen who has a personal respect for that sacred remnant of the bankrupt American stock of honor and good faith, national and individual, with which the Jackson *ERA* has played such wild and destructive havoc!

It may be worth while here to enter into a little calculation, from which I apprehend a most conclusive argument *ad absurdum* must follow. The deponent says, that after receiving these confidential letters from me, he told me he *would not* take measures against those clerks upon my secret complaints; that I must furnish him with *specific charges*; that "in a few days *thereafter* I presented him with a long list of charges, in writing, against a great many clerks in the different Departments," which, he says, "were *forthwith* referred to the heads of departments to be fully investigated;" and that "soon after this full investigation, I applied to withdraw these public charges." And again, that "a few days after that occurrence, I requested him to return me the two confidential letters, which he had placed in his confidential drawer, where the copy of his letter to Mr. Fulton, together with Fulton's reply and report, had been deposited; and that, in looking into his drawer for those two letters, "he had to take out *many papers*, and lay them on the table beside which I was sitting," [which, of course, supposes that these letters had already gotten nearly to the bottom of the mass of his confidential papers.] He also says that I, seeing the letter to Fulton marked 'strictly confidential,' purloined it; [and, of course, that letter was among those taken out, and necessarily was nearer the top of the mass than those two confidential letters of recent date.] Now I shall not trouble the reader with any comment upon the absurdity of so much work being alleged to have been done in rapid succession "in a few days"—for that is the substitute the deponent makes for all dates, months, and years that had been transpiring; but I will call his attention to the absurdity of representing those two letters said to be of recent date, as being already covered over by a mass of other confidential documents, among which the letter to Fulton (which was probably several years old, according to the date of the private secretary's letter in behalf of the President to Mr. De Kralft, which probably fixes the year General Jackson would be speaking of) was nearer to the top of the drawer. It is not for me to conjecture how such extraordinary circumstances could have happened; it was incumbent on the witness to explain them, since he relies upon this table scene alone to show how I might have done what he labors so hard to induce others to believe. If he had really taken pains to file his papers *at all* in classes, as he pretends to have filed Fulton's reply with the original, why could he not have laid hands on those of recent date, without tumbling his papers, pell-mell, old and new, on the table, to find those of recent date at the bottom? But, when he alleged that I *saw* this letter marked [37] 'strictly confidential,' and therefore purloined it before his face, he overreached himself, in the malignity of his zeal to convict me of a disgraceful act, by the assertion of what he *could not know*—based, too, upon what *did not exist*; for, in the first place, who will not perceive that this statement discredits itself, when he considers how impossible it is that the affiant could know that I *saw* this letter was marked 'strictly confidential;' when, too, he is not even certain it was among those he had laid on the table! And yet what will every one say of the audacity of this device, when, in the next place, they are informed that the letter *in fact* is not so marked on the *outside*, but is so headed *within the folds of it*? But even were it so marked externally, and I did see it so marked, yet might I not ask, what motive could I have had to *select that letter* from a mass of others similarly marked, no doubt, as we are told they were all of the same confidential character? For could I, except by some preternatural gift of intuition, have been able to pitch upon that particular

letter, of the *existence* or the *contents* of which, according to General Jackson's own showing, I could have had no previous knowledge—nor did the endorsement upon it intimate any interest that I could possibly have in—it being addressed to 'William Fulton, Esq., Secretary of the T. of Florida,' whom I knew not, and there being, in fact, no such person! And yet, to borrow a little more coloring of plausibility from another fiction or two of his mind, he says, in a disingenuous malignant, and perverted phraseology, pregnant with virtual falsehood, that "in my *possession* this purloined letter was [45] *found*," and that I acknowledged, [46] having handed it to Mr. Adams, whereas there was neither *finding* nor *acknowledging*, in the sense attempted to be communicated by the *use* and *reiteration* [49] of those scandalizing terms, as they are commonly understood under such circumstances. On the contrary, I had made it a voluntary and special act of my own to exhibit the copy to several gentlemen shortly after receiving it, *before* I showed it to Mr. Adams, whom I authorized to make any use of it that he should think proper, informing him that I intended to publish a *fac simile* of it, and therefore could not let it go out of my possession, but furnished him with a copy. Now, where is the *finding* and the *acknowledging*, as if by compulsion, or process of cross-examination, or any other process than my own voluntary act, of free choice and self-advisement? Ay, it was my pride to hold fast to it, and to proclaim it to the world, had it been the last act of my life—as an *indisputable evidence of a President of the United States descending from the high responsibilities of his lofty station to play second fiddle to a conspirator against the peace and territorial integrity of a neighboring, friendly, sister republic*; making himself *particeps criminis* in the systematic treason of a sworn band of land pirates, in the cowardly act of despoiling the domains of a weaker Power, rent and bowed down with internal troubles, while the mimics of that lawless band, who unwittingly followed their example on a more powerful frontier, were (upon the same cowardly principle, which served in the place of justice) not merely left to their fate, but prosecuted and punished, not as a sacrifice to the spirit of *equal justice* in behalf of the shorn lamb, but as a propitiation to the *God of War*, that gave a weak and time-serving Executive *affright* in the emblem of a rampant lion! [c.] It was for this *exposure* that I have given offence to the *immaculate party*; that is the *grievance* which the deponent, his apologists, and his colleagues have against me—not that they believe I ever did or could have perpetrated the deed imputed; and I doubt not General Jackson would have gone the length to say he saw me take it, if that would not have impugned the idea of purloining; but, thank God, I am too well fortified for him or his confederates to *succeed* in their unhallowed conspiracy against me, or to *cover* their own shame by such a clamor. Indeed, I need not say to any discerning mind that the entire drift of the studied and reiterated *scandalizing* phraseology of the whole affidavit obviously is to defame "the plaintiff in the suit." It would also be superfluous for me to declare, as I nevertheless solemnly do, that I have no recollection of being present at any time whatever when General Jackson was examining his confidential bureau, or that he had such, unless there be an exception to this, in a particular instance, when he invited me to his chamber to examine certain documents (which he took from a large trunk, not a bureau or table drawer) in relation to his invasion of the Spanish territory of Florida during Mr. Monroe's administration, and which examination I was invited to make, with the view to establish a charge of falsehood he alleged against Mr. Monroe; but having taken no steps in the matter, myself, after examining the documents exhibited to me by General Jackson, I was astonished to perceive that the same thing was attempted some time afterwards, by a communication from Samuel Gwin, Esq., the personal and intimate friend of General Jackson, which communication was published in the Richmond Enquirer, shortly after Gwin had left a clerkship in the Post Office Department here, to officiate in a more lucrative appointment in the Land Office, as register or receiver in Mississippi. The asperities of the original design were much mitigated, however, in that communication, as to the positive inductions of falsehood; but it bore all the other internal evidences of its origin in the *indications* of the then tenant of the President's mansion. I waive any particular notice here, of the palpable discrepancies or incongruities between the deponent's declaration of '*belief*' that I purloined the copy of his letter to Fulton, together with Fulton's report, the subsequent coupling of a reply of Fulton with the report, and his afterwards, throughout the affidavit, characterizing the purloining as being *confined* to the copy of the letter to Fulton, by ever afterwards speaking of it *singly*.

It has been seen that, in order to find me in his mind's eye, and to depict me in his affidavit, as being present beside the table while he was making this search in his confidential drawer, the deponent states that "the plaintiff, Robert Mayo, had written him two [9] confidential letters, making serious charges against many clerks employed by the Gov-

ernment in Washington, in its various departments, that these letters were [10] placed in his confidential drawer in his office, where the confidential letter to Governor Fulton, then Secretary of Arkansas, with his reply [12] and report, were deposited." He then says, that "after [13] receiving these confidential letters from Robert Mayo, the plaintiff, this deponent informed him that he *could* [14] *not*, nor *would* not, take any measures against those clerks on his *confidential complaints*; that he must furnish deponent with specific [15] charges, to which these clerks would be called upon to respond"—alleging "that all [16] men are presumed to be innocent until guilt is established;" "that every [17] man charged with crime, or acts that would affect his moral character, ought to be heard in his own defence; and that he *would* [18] *not* act upon confidential and secret information against any one." He also says that, "a few [30] days after" a certain alleged occurrence presently to be noted, "the plaintiff, Robert Mayo, applied [31] to him, and requested that he, deponent, would return to him his two confidential letters." "These letters," says he, "as before recited, [10] had been placed in the confidential *bureau*, where [11] was also deposited the copy of the confidential letter of the 10th December, 1830, to Governor Fulton." He continues: "the drawer being very [32] full, this deponent had to take out *many* [33] *papers* to find those requested by Robert Mayo to be returned to him, and lay them on the table beside [34] which Robert Mayo was sitting;" and adds, "this deponent having found the two letters, [35] returned them to Robert Mayo, and told him for the future never to make charges against any one that he could not establish;" and, finally, we are enabled to appreciate the object of this smooth tale, when he says, "during [36] this search, deponent believes Robert Mayo, *SEEING* [37] this letter marked '*strictly confidential*,' purloined it," &c. Now, taking in their order these allegations so artfully devised and strung together, I solemnly aver that *I never wrote General Jackson a confidential letter, in any capacity, in my life*—neither so expressed, nor so implied; but always expressed, or implied from their purport, *to be disposed of as he should think proper*. I have many reasons against the *doctrine of secrecy*, against the *inculcation of secrecy*, and never took an *oath of secrecy* on any account. These mysterious devices I view in no better light than cloaks and guards to conceal and protect conspirators and bandits in the execution of their lawless and predatory designs; and I go the extent to say that I have always been a *practical anti-mason* with regard to my own acts; that from principle I *abhor secrecy* in my own affairs, and have an utter aversion to be charged with the *burden of secrecy* in the affairs of others, when it can be avoided; and I hold that a *CONFIDENTIAL COMMUNICATION* upon official business (except in peculiar relations) is *particularly* objectionable, as paralyzing the freedom of efficient action upon the matter communicated. Common sense would say that a discretion should, from the necessity of the case, be always granted to the officer or agent, on such occasions.* If I could ever have a motive that would be sufficient to overcome my *repugnance to secrecy*, it ought to have operated on me in the case of my communication to the President, detailing the plans of Houston's enterprise against the Mexican dominions. I knew Houston was the intimate and cherished friend of General Jackson, long before the election of the latter as President of the United States: that he had been upon the most gracious terms with the President, during

* Secrecy is that dark mysterious cloak which is indispensable to the accomplishment of all the wicked plots wherewith individuals or combinations of men plague and torment their unwary fellow-beings. Whatever be the abundance of their other resources, their lawless enterprises must nevertheless fail, without this impenetrable mantle thrown over the laboratory of their preparations. It has been the chief means of the successive destruction of empires, arising from comparatively small causes, nurtured, ramified, and grown formidable in the dens of the conspirators. To go no further back than the time when General Jackson became the clandestine nominee of Aaron Burr for the Presidency, with the co-operation of masonic associations, we may safely pronounce the success of that intrigue to be the origin of the widespread ruin that has since come over this country, viewed in every aspect of her moral, physical, and political deterioration and fallen condition! What can be more characteristic of the dark purposes of the man, than that declaration of his to Mr. Buchanan, upon being asked whom he would bring about him to constitute his cabinet advisers in the event of his election by the House of Representatives in 1825, when he, in his bitter tone of denunciation and reproof, said, "if he thought a hair of his head knew his intentions, he would pluck it out!" Had it then or afterwards been generally known whom he would select as his associates and advisers, high and low, in achieving the various debasements of the public service and national character, would any man dare entertain the belief or wish that he should ever be elected President of the United States, particularly if he could have taken into the account the deeds which he reserved for the defilement of his second term? But having gradually spread corruption far and wide, by the abuses of his executive patronage, he has brought on that *dark era* in the history of his devoted countrymen, when a considerable majority of them, yet heedless of the destruction in preparation for them, have at last tolerated the dictation of a successor at his hands; who also pusillanimously promised to do him honor therefor, by following the footsteps of his illustrious predecessor, and probably submits to be the tool of his dictations in his nominal retirement. I can but say, the more I see of the disingenuous acts of the Jackson drama, the more am I inclined to view *SECRECY AND INTRIGUE as cousins-german to DIPLOMATIC LYING*.

his visit here in the winter of 1829-'30, and had been invited, as he (Houston) informed me, to take his lodgings at the President's house, which "he declined for the sake of appearances." From these, and a variety of other circumstances, (among which General Jackson's former agency in the conspiracy of Burr, revived by Houston, is not the least,) I had ample reason to believe that this same General Jackson was already cognisant of this scheme of Houston. I therefore may safely say, without the imputation of vain boasting, now, when I have so fully proved my defiance of unjust suffering in a *thousand shapes* rather than be recreant to the principles of my whole life, that I took great hazard upon myself of being *tonnawacked at sight* by Houston, who was a demi-savage by adoption, and of incurring General Jackson's displeasure, while I was, and had been for more than eighteen months, in almost daily expectation of an official appointment—when, as soon as I had other corroborating evidence to sustain me, besides the detailed avowals of Houston, I communicated the whole to the President—in the hope to check-mate this would-be King of Texas, and counteract General Jackson's collusion, if it existed, by interposing the high and sacred obligations of his official station; but it happens that that was a very small impediment to the wilfulness of the GREAT IRRESPONSIBLE! With this view, however, that communication was fearlessly made, and accompanied with the express authority in the first sentence of it, "*to be used in any way your excellency may deem proper.*" I will not, here, go into the *particulars* to show that General Jackson did not make such use of that communication as his high official responsibility called on him to do—that he did not call upon the witnesses I referred him to—that he did not promptly admonish the district attorneys, and other legal agents throughout the West and other scenes of preparation, of their duty in reporting and suppressing those incipient movements—that his call upon Mr. Fulton (the mere Secretary of a Territory, and whose brother I am informed was a recruiting officer of Houston,) was not made in good faith as an efficient measure, but as a *sham*, a *blind*, to give to the conspiracy his *connivance*, and to the communication respecting it an unceremonious, or rather a disingenuous *dismissal*; to which purposes the unofficial character of his letter, with the rigid injunction "strictly confidential" were to be subservient—and that his excuse in said letter, for not addressing it to the Governor instead of the Secretary of the Territory, to wit, "that the Governor is understood to be now in Kentucky," was a sheer assumption to render more opaque the thin veil he was throwing over the transaction, as the Governor was not in Kentucky, but *was* at his post in Arkansas. Nor need I tarry here to show that the negations of Mr. Fulton's individual report (if in fact he ever made one) could not have been satisfactory under all the circumstances; and if it were so considered at the time, there were ample reasons, under the notorious military preparations that shortly ensued through the West, why the President should have made interdictive proclamation, upon those developments accruing, confirmatory of the details I had communicated to him; much less will I here descant upon the direct and wanton discredit he throws upon that communication, in his secret letter to Fulton, and that too without "investigation," "full and fair," of which he makes such vain boasting in another part of his affidavit, on another subject, but *WITHOUT TRUTH!* Proceeding, then, to the next fiction in this romance of this political mountebank, viz: "that these confidential letters were placed in his confidential drawer," it will be sufficient for me to ask the common sense of every man, what motive could General Jackson have, in the ordinary course of 'secret and confidential' communications, for placing these letters (did they exist) in his confidential executive bureau? Would he not have naturally returned them to me, with his prompt *forthwith*, (at the time he thus disclaimed action upon them,) as being of no value to him? For what purpose could he have retained them, after informing me peremptorily that he *could not nor would not* take any measures against those clerks on my confidential complaints? Or, why should it not more reasonably have occurred to me at that conjuncture to have requested their return, rather than make that request at a subsequent time, when another overwhelming disgrace had supervened, according to his statement, which would naturally have obliterated any thought from my mind of this comparatively small affair? The answer to all this is obvious: the concocted tale would have been imperfect, and shorn of its symmetry—he would not have had it in his power afterwards, to represent me as sitting by his confidential bureau, to purloin a paper from a mass of others, before his face, while he was examining them for those repudiated confidential letters to return them to me by my *request*!

As to the alleged demand of me, that I must furnish him with specific charges to which those clerks would be called on to respond, besides showing, as I now have done, that no such expression could have been used upon an occasion that *never did exist*, I shall be

able to show, on a full investigation hereafter, and in a summary manner, in the *next clause*, that I had full preliminary authority, both by *particular request* from a confidential officer of his lower cabinet, and by repeated *encouragement and recognition* from the President himself, to *assist in compiling lists of opposition officers in the departments*, together with a *statement of the reprehensible practices* in any manner connected with persons in office—as auxiliary means of salutary reform, to be acted upon as he should think proper, but in no manner whatever connected with the present subject, or with ‘confidential complaints,’ as he would feign have it. Is it not manifest that this alleged demand of me for “specific charges” is thrown into this affidavit, in order to give some color of *justification for those lists* that were made out by numerous contributors, under authority and circumstances totally disconnected with the matter now in hand? or, to shift the odium of responsibility for them from himself and the other participators in them, upon my shoulders alone? Moreover, is it not palpable to every one in any degree acquainted with General Jackson’s history previous to and during his Presidential terms, that he avails himself of this fabricated occasion to *interpolate* a fraudulent profession of principles by which he pretends to be governed? viz: ‘that all men are presumed to be innocent until guilt is established; that every man charged with crime, or with acts that would affect his moral character, ought to be heard in his own defence!’* Yes, I think I may safely say that every man in this community knows what value to put upon such professions, coming from one who has consigned so many of his fellow-beings to a cruel fate, in direct contravention of those principles—who has ignominiously sacrificed hecatombs of public officers, not only without a hearing, but without a fault, and even without an intimation to them to prepare for the sacrifice, or that there was any imputation against them, (who, ten to one, are better patriots than their wrong-doer,) to make places for political favorites—with a billet or death-warrant of a few parsimonious peremptory words,—‘YOUR SERVICES ARE NO LONGER WANTED,’ which launches the victims and their families *suddenly and unprepared* into a world of vexatious troubles, penury, want, and all the torments of that living death consequent upon this artificial sceming of one’s country’s disfavor, worse than death’s reality, as, living, there is no adequate revenge to sweeten this bitter cup of crying *injustice*, while in death’s reality it would be *forgotten*! But, in my case, by peculiar good fortune in the midst of infuriated party persecution, the blind zeal of an interested deponent has afforded me this occasion of *signal reaction upon my CALUMNIATOR, of which I am proud IF HE WILL LIVE TO FEEL IT!!!*

III. It has just been seen, the deponent states, that upon his refusing to act upon the two confidential letters imputed to me, he told me I must furnish him with specific charges, and then he goes on to say: “The plaintiff, Robert Mayo, in a few days [19] thereafter, (meaning after he required me to furnish him with specific charges,) presented this deponent with a long [20] list of charges in writing against a great many clerks in the different departments, which was *forthwith* [21] referred to the heads of Departments to be fully investigated, upon which [22] investigation Robert Mayo failed [23] to establish *his* charges made against any one individual charged.” Also, that “soon [24] after this full [25] investigation, Robert Mayo applied to [26] this deponent to withdraw these public charges;” that “deponent told him he [27] might, as the charges being made by him and not established, *would*, now being on my public files, *destroy* [28] him as a man of truth forever; and I referred him to my private secretary, Major A. J. Donelson, to get them.” Again: that “this deponent was informed [29] by Robert Mayo and Major Donelson that these public charges against the clerks were given up to him.”

* Here is a fine specimen of that *beau-ideal of systematic lying* by which the wicked so often profess and profane the sacred principles of honor, justice, morality, and religion, in order to conceal their ultra diabolical purposes, which involve the most flagrant infractions of those principles. It would be a very instructive lesson at the present crisis, could the American public have a succinct enumeration of the atrocious deeds that have been perpetrated in all times by the *TURBULENT ANTAGONISTS* of law and civilization, under this specious mask of sacred principles. Such professions constitute the substrata of all the airy superstructures of that *fraternity of innovators, disorganizers, anarchists, plunderers, and destructives*, who call themselves friends of the people, but are *Jacobins* in disguise all the world over, and only await the fit occasion to declare war to the knife, war to the hilt, against all the institutions of civilization. This specious system of *lying* is the sympathetic principle of instinct by which Jacobins recognise each other and assort together, to cheat and supplant the friends of law, order, and rational liberty, in all countries, and continually jeopardize the cause of civilization in all ages. Did not this same sect, in the French Revolution, profess the abstract philosophical principles of liberty, equality, and justice, which they rarely practised when any thing was to be gained by their perversion? Did they not affect to accuse that portion of their fellow-citizens whom they called *ARISTOCRATS*, with murdering and plundering one another, in order to bring disgrace and infamy on their friends and adherents the ferocious *democrats*, whom they had systematically and clandestinely instigated to perform these cruel and savage horrors? And is it not the universal practice of the same sect of the present day, to profess principles they never perform, and accuse their Whig opponents of the abominations familiar only to their own hands, in order to disguise the ulterior revolutionary purposes with which they now imminently threaten the country? Adverting to the party incidents that have taken date from the commencement of the Jackson era, we have superabounding evidence of this system of deception and fraud, in the professions of reform made at the incipience of his administration, which were only meant, as the event has proved, to cover the premeditated sins of official *proscription* on the one hand and party *favoritism* on the other, to the infinite embarrassment and deterioration of the public service.

In the first specification in this third section, there is a very material error, as I never did present General Jackson with such a list as he describes, of charges made by myself against a great many clerks in the different departments; but I did, at an interval of nearly two years—perhaps a little over two years between—present him with two lists, of which I have spoken in a pamphlet published in 1837, as the *second* and *third* editions of reform; the *first list*, or edition of reform, having been presented to him by some of his coadjutors in reform upon his instalment into office many months before I had visited Washington, or had any knowledge of the proscription then contemplated. The affiant doubtless predicates this statement, in part at least, upon one of those two lists which I presented to him above mentioned; it is not probable that he alludes to the first of them, which I have called the second edition of reform, because that list (a garbled copy of which, if I mistake not, was published in the extra Globe of the 1st of May, 1831) contained comparatively few charges, but consisted chiefly of the names of opposition clerks and officers *form*; that *had been turned out*, and of others that *yet remained in office*, obnoxious to reform for opinion's sake; in the compilation of which list I assisted William Hunter, Esq., [d.] a clerk of Amos Kendall while 4th Auditor, by his (Kendall's) request conveyed to me by his clerk, he retaining one copy for Kendall, and I one for General Jackson. This list occasioned little or no public excitement, probably because no action that I know of was ever taken upon it, more than to *plead the forbearance of the President*, through the columns of the Globe and other party prints, *pending the second election campaign of General Jackson, then commenced*. If the deponent alludes to the second list, accompanied with a memorial signed by sundry citizens of Washington, presented to him in May, 1833, then he falsifies the origin of it, as just shown, and is mistaken, wilfully or otherwise, in nearly every thing he alleges in regard to it, except that it was *forthwith* referred to the heads of Departments, or his cabinet, *as I had informed General Cass, his Secretary of War, he would do, the morning previous*. Whether he ordered its contents to be fully investigated, I know not; but that such investigation *was* made, as he asserts, I can prove to be *untrue* by the universal recollection of the clerks, and the gentlemen then officiating in his cabinet, *by whose discountenance, mainly, it was suppressed*. And that I failed to establish my charges against any one individual charged, I can equally prove to be *false*; for a failure to establish, implies that I had an opportunity to do so; whereas, I was denied, on my written application, to be heard, or even to have the witnesses called that had been referred to in support of their own statements, though I always understood that they were ready to substantiate what they had stated; and I repeatedly declared my readiness, both verbally and in writing, to establish the few facts that I had stated. When I presented to the President my written application to be heard, declaring my readiness to go into the investigation of the statements by testimony, he referred me, by endorsement upon the letter, to Mr. McLane, then Secretary of the Treasury. Mr. McLane, being engaged, or perhaps from a determination not to entertain the investigation, *did not see me*; in consequence of which, I repaired directly to the Secretary of War, (General Cass,) as one of the cabinet, and presented him with the reference from the President. Upon presenting the letter, with the President's endorsement upon it, referring it to Mr. McLane, I remarked to General Cass that I had not been able to see Mr. McLane, and that as he (General Cass) would probably be a party in the proposed investigation, and would see Mr. McLane, I preferred handing the letter to *him* in person, rather than let it pass out of my hands through a messenger to Mr. McLane. Upon looking at the superscription, General Cass remarked that General Jackson had a way of endorsing every thing; adding, that *there would be no investigation of the statements*, or words tantamount, and remarked to me, "Why sow the winds to reap the whirlwind?" To which I replied, that he was perhaps not aware of the authority by which the statements had been made out; that as to the *participation* I had in it, I was ready to justify myself with the authority of the President himself, and the co-operation of many of his friends, in whom, one or more of them, the project had originated, and not in myself; that I was ready to establish the facts I had stated of my own knowledge, and had no doubt others would do the same in regard to their statements, if permitted. But, upon thus learning that there would be *no investigation*, I addressed a letter to the President, proposing to withdraw the documents, and about the same time (probably the next day) mentioned the fact to the Secretary of War, who informed me that he had heard of my application to withdraw them, but that the determination was, *that they should not be returned*, stating that the course adopted was, to address a letter to Mr. De Krafft, and other signers of the memorial that accompanied the list or sequel, to inform them of the determination taken by the President; and he (General Cass) inquired of me, at the

same time, if I had not retained a copy. To which I replied that *I had not*, as it was a long document, and General Jackson had been impatient to have it; that I had a copy of the memorial (see Appendix C) and most of the originals, and the rough materials from which the sequel accompanying it had been made; but that it would be impossible to renew the copy with exactness, in regard to order, matters omitted, or additional information verbally stated to the committee making that copy. Whereupon, he (General Cass) recommended me, if I had any thing to urge in that regard, that I would see Major Donelson, the private secretary of the President, *that morning*, who was probably then about despatching the letter to the memorialists. I did see Major Donelson accordingly, and understood from him the purport above stated, and that, as I was not a signer of the memorial, I was *not* considered as having the right to control it or to *withdraw it*. The President's letter, written by his secretary in his behalf, was addressed "To E. DEKRAFFT and others, signers of a MEMORIAL of sundry citizens of Washington, to the PRESIDENT OF THE UNITED STATES." (See Appendix D). On receiving it, Mr. DeKrafft immediately sent for me, and placed it (where it now is, ready to speak for itself) in my hands, the perusal of which also shows the determination of the President to retain the memorial and sequel for further consideration, and *not to act on them for "the present."* It is, therefore, *not true*, both according to my own distinct recollection, and General Jackson's own letter to De Krafft, that he ever told me I might withdraw the document; and it is absolutely *false* that I ever told him that Major Donelson had returned it to me. It is equally untrue that the long list of charges I presented to General Jackson originated in the manner he asserts; it is not true that a full investigation of said list was ever made; it is not true that I failed, on full investigation, to establish any of those charges, there having been no investigation; it is not true that said list was ever returned to me; and, as I have just said, it is *utterly false* that I ever told General Jackson that it was given up to me. I hope this latter statement of the deponent was not made with a view to excuse himself from ever producing that list hereafter; if so, the imperfect materials now in my possession, from which, in part, it was made out, must *tell for it* as well as they can at a future time; and in regard to his declaration, that he told me, as a reason for giving that list up to me, that those charges being made by me and not established *would* now, being on his public files, *destroy me as a man of truth forever*, no man who knows me can believe for a moment that such language was *ever uttered to me* by any one, General Jackson not excepted, without instantly having his nose pulled, his jaws slapped, and *spit in the face* as the minimum of his punishment. But suppose, for an instant, that such were a true statement; then I would ask, what is to be thought of a President of the United States, who could afterwards *confer or sanction* frequent appointments on one whom he held to be *thus infamous*? About twelve months after the date of his letter to De Krafft, (say in July, 1834,) at the adjournment of Congress, he called me to him as he took his seat in his carriage, (the Vice President, Mr. Van Buren, seated by his side—Mr. Taney, General Cass, and I think Mr. Forsyth, were present, just taking their carriages on leaving the capitol,) and requested me to "come to-morrow morning" to the mansion. And what was it for? To instruct me to call on the Secretary of State, who would give me an appointment to fill the vacancy of Alexander McIntyre, who had just been removed from the chief clerkship in the Patent Office. Also, in October, 1836, he approved of my appointment as sole clerk in a temporary bureau in the War Department—a bureau of great intricacy, and extremely delicate trust, in which I officiated nearly two years without ever hearing of the slightest dissatisfaction, until the false clamor was raised that I had purloined the copy of General Jackson's letter to Fulton, whereupon I was removed from office *without a hearing*—probably because such a hearing would put the whole conspirators to shame. But I regret not, now, *that injustice*, because I NOW HAVE THE PROSPECT OF A MORE FULL AND FAIR INVESTIGATION BEFORE ME.

In fine, there can be nothing more obvious, upon a survey of this whole subject, than the reflection that, had I the imbecility to pronounce General Jackson's action upon the conspiracy of Houston *all sufficient*, had I the servility to GLORIFY HIM UPON IT, *this calumny of purloining* WOULD NEVER HAVE BEEN THOUGHT OF!

I hope my counsel will be able to find some assistance from this exposé, in making their briefs in the cause; and I cheerfully grant to the opposing counsel all the benefit they can derive from it in the defence.

ROBERT MAYO.

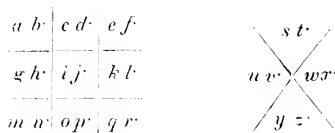
WASHINGTON CITY, December 23, 1839.

APPENDIX.

By a careful examination of the following documents, [A] and [C], with the respective actions on them, [B] and [D], the reader will perceive how each of the former is virtually falsified in the two latter, and set at naught by the President. To assist in this comparison, I will only here make a single general remark in relation to document [A], that no examination of witnesses had been made, to my knowledge, to justify the President in saying, in document [B], that no facts had been established, and he was induced to believe the circumstances communicated to him were erroneous. And in relation to document [C], that its prayer did not ask for the removal of any one, as he more than insinuates in document [D], but submits the statements for such disposition as to his excellency might seem fit and proper, &c. In fine, I shall ever be of opinion that the documents [A] and [C] were entitled to a more efficient action; but the reader can only appreciate the entire merits on a future perusal of the whole of the documents.

[A.]

[Original letter addressed to the President in 1830, and returned in 1836.]



To General ANDREW JACKSON, *President of the United States*:

The enclosed is the scheme of a Secret Alphabet, in the hand writing of a Mr. Hunter, which came into my possession in the manner hereinafter mentioned, and which I confide to your excellency, together with the following statement of facts, to be used in any way your excellency may deem proper. Written out, the Alphabet stands thus:

[In the original letter, the thirteen compartments of the above diagram are separated into their elements, consisting of two letters each, distinguished by a dot; that is, *a* and *b* are the same, except that *b* has a dot, and so on with the rest, giving the entire alphabet.]

In making the following statement, it seems to me desirable, with a view to brevity, without impairing or obscuring the facts, to avoid that circumlocution which a minute detail of contingent and ministerial circumstances would involve.

Some time in the month of February last, as nearly as I can recollect,—scarcely very shortly after General Samuel Houston arrived in this city—I was introduced to him at Brown's hotel, where both of us had taken lodgings. Our rooms were on the same floor, and convenient for social intercourse; which, from the general's courteous manners, and my own desire to be enabled to do him justice in my own estimation, relative to his ascendant, his family and abdicating the Government of Tennessee, readily became frequent and intimate. Upon what he perhaps deemed a suitable maturity of acquaintance, he spoke freely and manfully of his past history. He spoke of his separation from Mrs. H. with great sensibility, and depicted the infamous impression it had made upon a considerable portion of the public mind, disparaging the *sanity* of his intellect, or rectitude of his moral character. Judging favorably, no doubt, of the progress of an acquaintance, and the prepossessing impression it had made on me in relation to the solitary and general competency of his intelligence, with rectitude of impulses, he complained of the inadequate defence which he had made in his behalf by the editor of the Richmond Enquirer, and solicited me to write communications for the columns of that paper, and use my friendly interest with the editor for their publication. I promised to make a sketch of something anonymous respecting my favorable impressions, and show it to him. But, before I had time or full pliancy of mind to digest any thoughts upon the subject, our frequent interviews, and his confidence in my serving his ends, doubtless, induced him to avow to me, in a public and early the ground of his solicitude to have his character and mental competency elevated before the public. He solicited on the same field for enterprise in the Indian settlement beyond the Mississippi, and through that, as a stepping-stone, in Texas; and recommended me to direct my destiny that way. Without making any promises or commitments, I did not discourage, at this stage, his inflated hopes of my advancement, as I had a curiosity, now on foot, to hear his romantic propensities, for his manner and his enthusiasm were, at least, entertaining. Accordingly, he went on to develop much of a systematic enterprise, but it chanced what I have since learned from another source; perhaps because he discovered that my interest in the subject did not keep pace with the anticipations he had formed for the progress of his disclosures. He went from him these facts, and speculations, viz:

That he was organizing an expedition against Texas, to afford a check to which he had assumed the Indian costume, habits, and associations, by settling among them, in the neighborhood of Texas. That nature was more easy to accomplish than the conquest and possession of that territory, and that the only way to the

co-operation of the Indians in the Arkansas Territory, and recruits among the citizens of the United States. That in his view it would hardly be necessary to strike a blow to wrest Texas from Mexico. That it was ample for the establishment and maintenance of a separate and independent government from the United States. That the expedition would be got ready with all possible despatch—that the demonstration would and *must* be made in about twelve months from *that time*. That the event of success opened the most unbounded prospects of wealth to those who would embark in it; and that it was with a view to facilitate his recruits, he wished to elevate himself in the public confidence by the aid of my communications to the Richmond Enquirer. That I should have a surgeoency in the expedition, and recommended me in the mean time to remove along with him, and practise physic among the Indians in the Territory.

"As the matter began to assume the shape of a close and substantial proposition, I felt myself under the necessity to be decisive, which put an end to the further detail of his plans. I declined the overtures for my participation; and farther told him, by way of *exonerating* myself from the promise to make communications to the Enquirer, without exciting his apprehensions of my *active* hostility to his views, that it would be very *impolitic* to attract the public attention towards himself in that general and indiscriminate manner: that it would surely invite inquiry from some quarter about the motives of such communications, which would probably issue in ferreting out his whole scheme. After this, our interviews fell into neglect—our intercourse consisted only of salutations of civility—he sought not my company, and, as a matter of prudence, I rather avoided him.

"In the early part of our intercourse, General Houston informed me that he had volunteered to assure the President that he had no desire for an appointment of any sort under his administration; that he believed the President would give him almost any thing he would request: but that he took into consideration the prejudice with which an appointment conferred on him might be regarded by the public, subsisting the circumstances and causes of his exile. Yet, I have understood from indisputable authority that General Houston did apply for and solicit the appointment to furnish provisions, &c., for the Indians, &c., at the charge of the United States, in that quarter: which was denied him. But, whether that wish has not been, as to his views, sufficiently substituted by the successful application of a most intimate friend of his, (General Van Fossen, lately of New York,) is a problem perhaps not unworthy of inquiry. In the month of March, General Houston visited Baltimore, Philadelphia, and New York, and did intend to have gone as far as Boston, as he informed me, under such circumstances as made the inference of his business a matter hardly to be doubted.

"Some time in the month of June, shortly after the adjournment of Congress, (or possibly in May, a short time before adjournment,) having returned to Richmond, I met with a young gentleman in that place by the name of Murray, from Tennessee, on his return home through the southern States. I had become acquainted with him, in this city, early in the winter. He had also told me that he wanted no employment from the Government, but was travelling rather for his personal gratification. A considerable portion of the winter he had passed in a town to the north. When I called on him in Richmond, I made an oblique turn of conversation, upon the mysterious conduct of General Houston; and expressed a surmise that he must have some very deep views in exiling himself from the civilized world, to settle among the Indians. This, Mr. Murray readily confirmed, apparently, as if he thought it a perfectly innocent and legitimate matter, or as a thing of common rumor, and of no concern to him—by remarking that the general was organizing an expedition to take possession of Texas. Upon my asking him how he knew that, he replied, 'that it was a good deal spoken of at Washington.' I did not press the subject sufficiently to satisfy my mind whether it was by common rumor, or among recruits only, that Mr. Murray meant it was spoken of, as Mr. M.'s movements indicated to me some agency in the business; and too much curiosity on my part, after having declined co-operation, with which he might already be, or might become acquainted, would possibly excite alarm, and induce the parties to remodel their plan with greater secrecy and security.

"Shortly after my return to this city, a few weeks ago, a Mr. Hunter, lately dismissed from West Point, came to take lodgings in the house where I boarded. He presently discovered himself to be very indiscreet, and boastful of himself, whether in relation to advantages real or imaginary. On a visit to my apartment, being in pecuniary embarrassments, and unable to redeem his baggage from the house he last boarded at, he fell to boasting of the funds he was daily expecting by the mail, of his father's present riches, and still greater wealth before his misfortunes, and of his own possessions, independent of his father, whereof he had already spent five thousand dollars in enjoying life. But, says he, all that is nothing to the unbounded prospects I have of wealth in the future. Indeed! said I, how is it that you can engender wealth to repair your extravagance with such facility? Ah, says he, that is a secret. I will lay my life, said I, it is a scheme upon Texas. He, hesitatingly, said yes, something like it. And, said I, General Houston is the projector and conductor of the enterprise. At this he was so impressed with the conviction that I knew all about the plan, and was one of the recruits, that he declared it to be his belief, and asked me some questions to that effect. I declined answering, remarking that I did not believe he knew any thing about it, and should tell him nothing. Upon this issue, to vindicate his knowledge and alleged fraternity, he set in to tell me every thing.

"Says he, there is your name, (writing my name on the table in cipher, where it yet stands unobliterated.) I was still incredulous. He asked for pen, ink, and paper, and wrote the scheme here enclosed, and then wrote my name at the bottom.

"That he was a *bona fide* agent of the recruiting service for this District; and that there were agencies established in all the principal towns, and various parts of the United States; and that this conventional alphabet was the channel of correspondence. That several thousands had already enlisted along the sea board, from New England to Georgia, inclusive. That each man paid thirty dollars to the common fund, and took an oath of secrecy and good faith to the cause, on joining the party. That they were to repair, in their individual capacities, as travellers, to different points on the banks of the Mississippi, where they had already chartered steamboats, on which to embark, and thence ply to their rendezvous, somewhere in the Territory of Arkansas, or Texas, convenient for action, (the plan not specified to me.) That it was contemplated to supersede General Houston in the civil government, when the military operations were over; and that they meant to establish an independent Government, and resist any attempt of the United States to wrest so valuable a prize from them.

"He finally appealed to me again, with some concern, to say if I were not one of the party. I observed, that I should tell him nothing about it: and changed the subject to some levity, and afterwards avoided his further importunities, &c.

"I am, very respectfully, your obedient servant.

"R. MAYO

"WASHINGTON CITY, D. C. December 2, 1830."

[B.]

("Strictly confidential")

"WASHINGTON, December 10, 1830

"DEAR SIR. It has been stated to me that an extensive expedition against Texas is organizing in the United States, with a view to the establishment of an independent Government in that province, and that Gen-

eral Houston is to be at the head of it. From all the circumstances communicated to me upon this subject, and which have fallen under my observation, I am induced to believe and hope (notwithstanding the circumstantial manner in which it is related to me) that the information I have received is *erroneous*, and it is unnecessary that I should add *my sincere wish* that it may be so. *No movements have been made, nor have any facts been established*, which would require or would justify the adoption of official proceedings against individuals implicated; yet so strong is the detestation of the criminal steps alluded to, and such are my apprehensions of the extent to which the peace and honor of the country might be compromised by it, as to make me anxious to do every thing short of it which may serve to elicit the truth, and to furnish me with the necessary facts (if they exist) to lay the foundation of further measures.

"It is said that *embarkments* have been made for the enterprise in various parts of the Union; that the confederates are to repair, as *travellers*, to different points of the *Mississippi*, where they have already *chartered steamboats* in which to embark; that the point of rendezvous is to be in the *Arkansas Territory*; and that the co-operation of the *Indians* is looked to by those engaged in the contemplated expedition.

"I know of no one whose situation will better enable him to watch the course of things, and keep me truly and constantly advised of any movements which may serve to justify the suspicions which are entertained, than yourself; and I know I can rely with confidence on your fidelity and activity. To secure your exertions in that regard, is the object of this letter; and it is because I wish it to be considered rather as a *private than an official act*, that it is addressed to you instead of the Governor, *who is understood to be now in Kentucky*.)

"The course to be pursued to effect the object in view must necessarily be left to your discretion, *appointing only that the utmost secrecy be observed on your part*. If, in the performance of the duty required of you, any expenses are necessarily incurred by you, I will see they are refunded.

"I am, respectfully, yours,

"ANDREW JACKSON

"WM. FULTON, Esq."

[C.]

The memorial of sundry citizens of Washington, to his Excellency ANDREW JACKSON, President of the United States. GREEING:

"Your memorialists respectfully beg leave to approach your Excellency with the most grateful sensibilities for the benefits which have accrued, and are daily maturing, through the instrumentality of your auspicious administration, in advancing the prosperity of our common country, by the happy adjustment of our foreign relations, and the conciliatory propitiation of our internal discontents.

"But your memorialists are not unaware of the humiliating truth, that, while the details of these momentous concerns have continually received the most prompt consideration and efficient action because they are under the more immediate recognition and control of your Excellency, they constitute but a comparatively remote object of concern with the citizens of Washington, and affect them only in their small participations with the all-absorbing commercial and manufacturing interests of the Union at large. Whereas, the details of the official responsibility and moral deportment in the minor officers of the Government, located here, while they more closely affect the interests and character of the citizens of Washington, they are of vastly inferior executive consideration, and are too remote from your personal supervision for any delinquency therein to reach your knowledge for correction, except by the volunteer information of those directly cognizant of the facts and most deeply interested in their reformation.

"That the citizens of Washington may have a more minute knowledge of official abuses and moral depravity at the seat of government, and feel a deeper interest in their correction, than any other portion of the Union, your memorialists presume to believe your Excellency will yield a ready assent. Your memorialists also entertain the belief that the national character, both at home and abroad, is necessarily assimilated to, and influenced by, that of the Metropolis; while the character of its citizens must be still more immediately identified with the official integrity and moral deportment of the officers of Government residing among them, forming as they do so great a proportion of its temporary inhabitants.

"Furthermore, your memorialists cannot suppress the heart-rending conviction that the rapid growth and nurture of fraud, alone, at the seat of government, evincing in many instances the most awful want of integrity and obliquity of conscience in the servants of the people, tends more to alienate their affections from the sacred union of the States, than all the local and sectional inconsideracies taken in a mass. Nay, your memorialists may add, that the audacity of defaulters within a few years, and of recent date, together with a frequent repetition of minor improprieties of daily notoriety, bear a striking analogy to the oft-repeated and daring infractions of law and decorum in the dense population of large towns, where the calculation seems to be, that the delinquent will be lost sight of in the crowd, or, if seen, that he will be borne in countenance by the depraved gratulations of an *extensive fraternity*. Nor can your memorialists resist the belief that any grade of unofficial conduct is but a miniature, in its own degree, of the most atrocious outrage, and, while regarded with so much lenity, is only nurtured in its tendency to the grossest results.

"Under this aspect of a subject interesting, in a remote degree, to the whole Union, but vital in its bearings on the interests and character of the Metropolis, your memorialists beg leave to submit to the consideration of your Excellency the accompanying statements and specifications, *touching for by respectable name, and references*, and pray your Excellency will grant such relief in the premises as to your Excellency may seem fit and proper, whether by *removal of the incumbents in the more objectionable cases*, and the *introduction of the future rejection of the worse offences, or otherwise dispose of the same* as may best conduce to the interest of the Metropolis, secure the credibility of the public service, and preserve the affection of the people for the perpetuity of the Federal Government; and your memorialists will ever pray." &c.

(Signed by twenty or thirty citizens.)

[D.]

[The envelope of the letter, of which the following is a copy, had this address: "To E. De Krafft and others, signers of a memorial of sundry citizens of Washington to the President of the United States."]

"WASHINGTON, May 23, 1833.

"GENTLEMEN: I am directed by the President of the United States to state to you the determination which he had taken upon your memorial and the paper accompanying it, previously to the application for their withdrawal, made yesterday by Dr. Mayo.

"Many of the allegations contained in the paper entitled "A Sequel to the Memorial," and which was delivered with the memorial to the President, are not such as would warrant the removal of the individuals accused, even if they should prove to be well founded. The President, moreover, has been informed, in writing, by several of those whose names are subscribed to the memorial, that they had never seen the "Sequel,"

that they had no knowledge of the accusations therein contained, and that they desire to disclaim all connexion whatever with it.

"Under these circumstances, the President does not deem these papers of such a nature as at present to require or authorize his particular interference. The character of the President, however, is a sufficient guaranty that, whenever specific charges of incompetence or official misconduct shall be made by your selves, or responsible individuals, against any person in office, he will promptly direct such an investigation as the good of the service and justice to all parties shall require.

"Very respectfully, your obedient servant,

"A. J. DONELSON.

"To E. DE KRAFFT and others, memorialists."

After all that had transpired, of high advisement and approved preparation, I will leave the reader to judge with what profound astonishment I received a message from Mr. Edward De Krafft, requesting me to peruse so *casual* a letter! True, I had learned that there would be no action upon the matters stated in the sequel to the memorial, and for that reason had requested leave to withdraw them, in order to use them in obedience to any emergency; but, as luck would have it, they were refused, and I have had the ineffable satisfaction to find, in justification of those statements, that all the reform which has taken place since has fallen upon General Jackson's own delinquents, then and afterwards called to his notice, in the General Post Office, the Land Office, the Patent Office, &c. &c.

The movement taken by several signers of the memorial, in disclaiming all connexion with it, on account of the charges preferred in the sequel to it, ought, perhaps, to be explained here, lest it should be considered as *prima facie* condemnation of the document, which the explanation will show was not the fact. Let it first be observed that many of the signers of the memorial adhered to the prayer of the memorial that an investigation should be had; and that therefore the withdrawal of others should not properly have forestalled inquiry from the President, under whose encouraging countenance and approbation the document had been made out and presented. Next, let it be considered that several of the signers of the memorial who seceded from it, had, themselves, preferred many of the charges embraced in the sequel; but, upon learning that some of their own personal friends were also indicted by others, they, in order to save those friends from inquiry, took measures to nullify the document. Such, I personally know, was the cause of Mr. DeKrafft's withdrawal. He was the first signer of the memorial; he made many of the charges embraced in the sequel; and he was the first to withdraw to save his friend. It was a very easy matter to get others to follow that example; and I was afterwards emphatically told by one of the indicted that the failure of investigation was occasioned by the great number included in the bill, combining to defeat it—the memorialists being, all of them, political friends of the Administration, as well as I recollect; and, there being very many friends of the Administration included in the bill, it was easy to effect such a compromise as would exonerate all from the scrutiny of a time-serving Administration. Nor need any one marvel at such a result who is at all conversant with that animal instinct by which the lion, the fox, and the jackal coalesce against the community of the forest; of which, it appears, we have had a recent illustration in another sphere of the animal creation!

ANOTHER JACKSON AFFIDAVIT—EXECUTIVE CHICANERY—A NEW COALITION—THREATENED REVOLUTION.

It is a sufficiently remarkable fact to claim a passing notice here, that, at the very moment I am concluding this exposition of the foregoing scandalous affidavit, in which General Jackson assumes to be so wonderfully minute in his recollection of comparatively trivial incidents which he alleges to have taken place in 1833, Samuel L. Gouverneur, Esq., late postmaster of New York, is actually exposing, by a series of numbers in the New York Courier and Enquirer, the falsehoods of another affidavit of General Jackson, given in the suit of the Post Office Department against Mr. Gouverneur—in which suit Mr. Gouverneur, as I understand, claimed offsets to a large amount, for loans or advances to the Post Office Department while it was under the management of William T. Barry, Esq., and proves by living witnesses and documentary evidence that those loans were made with the approbation and grateful acknowledgments of the late President himself; of which, nevertheless, in his said affidavit, he utterly denies *having any recollection*, and attempts to disprove *the facts* by a series of *other alleged recollections*, which he states with the same unscrupulous *air* of confidence and boldness as he does the matters he sets forth in the foregoing affidavit. I have seen two only of five numbers of Mr. Gouverneur's review of the affidavit in his case. If General Jackson did consult Mr. Taney, as he says he did, it only proves that he could take counsel of a saint for form's sake, while he follows the

instigation of the Friend of Darkeness. All must award him skill, however, in providing *confidants* on the one hand, and *dupes* on the other, as *refractory-values* to guard the duplicity of his acts from detection; but by a providential deficiency in some of those very guards, to use a modern technicality, he has burst his boiler after all. I take the following extract from the fourth number of Mr. G., in the Courier of the 24th December ultimo:

"To the *third question* the then President replies: 'He has no personal knowledge of any loan made by the Postmaster General on his authority. He heard, in *Boston*, that loans from banks had been made by that officer or his agents to sustain the Department; but no such loans were ever authorized by this department. On the contrary, he always told the Postmaster General he had no authority to borrow money on the faith of the Government, whatever he might do in his individual capacity.' It could be ever directly or indirectly asser the right of the Postmaster General to borrow money, except on his own responsibility, and such was the opinion of the Secretary, Mr. Trow, communicated by him, in my presence, to the Postmaster General. To be more explicit on this point, the view entertained by this department of the power of the head of the Post Office Department, was, that he could not commit the Government in a loan of money; that there was no law to authorize it; that he must carry on the Department on its own legal means, by its proper credit alone, and his own responsibility."

In refutation of this statement of General Jackson, in answer to the third question in behalf of the Post Office Department, Mr. Gouverneur shows that James A. Hamilton, Esq., of New York, made "a liberal offer to Mr. Barry to lend the Department money;" which offer "was enclosed *open* to the then President himself;" and that "Mr. Barry's reply to Hamilton, received directly from the President, was produced in court." Mr. Gouverneur also says, "an original letter of William T. Barry, dated the 8th March, 1834, is now before me"—from which he quotes these words: "Congress will sustain the President in his course. We shall have to rely on the aid of State banks, and the President *assure me that the Seventh Ward Bank shall be remembered.*" [This was shortly after and during the removal of the deposits.] Remembered "for what?" says Mr. Gouverneur. "At two moments of the greatest pressure they had lent the Post Office Department about \$60,000." Mr. Gouverneur continues: "Another original letter from William T. Barry, of the 12th April, 1834, is now before me. He says, 'The matter between myself and Hamilton is *confidential*. I have conversed with the President. *He knows all about it*, and says it is *right*.' The letter proceeds to say, 'He (*the then President*) says it is my privilege to borrow of whoever will lend, and obtain all the aid I can in passing through my difficulties.' I shall make no further extracts on this *audacity of the MAN-OF-MEADIMERS!* I presume these are sufficient to give the reader some idea of the sort of man I have had to deal with, in executing *commissions* to assist in compiling information for Executive action, as I understood it, in redeeming a public pledge of salutary reform. What I did was in good faith, with the expectation of a general investigation of the actual condition of the public service in the several Departments, and that it would result in the establishment of uniform rules of administration in each, with a strict accountability and fidelity to the public service. But General Jackson's treachery towards me in that case, as may be seen in the above letter to Dr. Kraft, (leaving me in the false position of a volunteer of *proscription*, which he in fact set on foot, and which I in fact arrested, by including his own favo-rites as well as the intended victims of proscription,) was but the beginning of the numerous other instances yet to be recited in my forthcoming book.

Executive *chicanery* is at all times a difficult skin to unravel. And, besides the chameleon mercurial properties of the subject itself, there are great impediments thrown in the way of such investigations in this country, from the unsuspecting confidence naturally bestowed by a liberal-minded people on their chosen agents, presumed to be fully worthy of their trust; so that, under any circumstances, much mischief might be done by ambitious, recreant ingrates, in the way of Executive abuses and usurpation, before suspicion could be awakened, or ejection from office arrest its progress. And yet, viewed in a party light, the evil is still greater, as it has become almost the universal practice of those who have contributed their votes and their personal influence to elect a Chief Magistrate, to treat him *a carte blanche* for whatever he may think proper to do, and to cast a man and to reproach upon the motives of those who would dare to criminalise the propriety of Executive conduct; who treat it would be a much safer rule for all patriotic citizens, after exerting their best efforts to confer high trusts even upon the most eminent men of their own party, to keep vigilant watch upon them, and hold them to as strict accountability as if they had been among the most active opponents of their selection. In the course of the late administration, and so far as the present has progressed, (which is properly but a continuance of the preceding,) this unqualified sanction of their acts by their party adherents has been extended not only to the hearty support of wild innovations and lawless experiments, never thought of before they were installed—not only to the justification of practices that had been dis-

claimed and denounced by them in order to insure their election—but they have been adhered to, and their friends conjured to *sink or swim* with them, notwithstanding the multiplied infractions of the constitution and law, and a contemptuous defiance of the legislative and judicial authorities, until at length we see that engulfing *Tiers Etat* (reversing the order of the French revolution) virtually realized by the consolidation of the State and Federal Governments into an EXECUTIVE ABSOLUTE, so long predicted! Of this fact, the recent demonstrations of Executive influence in all the State elections, reducing them, as it were, to a provincial subserviency to the will of a despot, is one evidence; it is also demonstrated by the Executive influence more recently exerted over the organization of the House of Representatives, to the exclusion of the New Jersey delegation—virtually nullifying a sovereign State, by means of a corrupt coalition (as goes the rumor reversing the direction of the thunder of nullification) with the boasted champion of the State-rights party, entered into, doubtless, for their reciprocal benefit, at the dear cost of their country—that is, in order to insure an executive party character to the officers and the committees of the House, to ward off investigations of Executive abuses and corruption, to secure the re-election of the present incumbent, *on the one part*, and to enable him to indemnify his wronged antagonist on a former occasion, *on the other part*, by bestowing on him the reversion of the presidency hereafter, as General Jackson had done to him *of the first part*, when, by their united artifices, they succeeded in supplanting their present hireling and coadjutor, *of the second part*.* Again: the fact of virtual consolidation is demonstrated in the denunciations of the recent Executive message against yet other reserved rights of the States, in relation to their corporate institutions, whose constitutionality and stability are assailed in still more systematic terms, in a *fourth* attempt to *dictate* to Congress the establishment of an unconstitutional mammoth federal institution as the inevitable foundation of an over-towering national bank, that will swallow up all the State institutions; and, to cap the climax of Executive arrogance, he urges this latter measure with redoubled audacity, by addressing himself to the fears of the Representatives of the people, holding up to their imaginations the terrors of an awful alternative, *bloody revolution*, if a *peaceful revolution* cannot be wrung from their quailing hearts. For *REVOLUTION* is his aim, as he so denominates the reform he, for the fourth time, urges upon Congress, to be effected by the establishment of a paramount independent treasury, (miscalled, by design, a sub-treasury,) but truly a mammoth bank in disguise, which he connects with, and makes an indispensable reciprocating agent in, the destruction of all State corporations whatever. In fine, it is still more clearly and unequivocally demonstrated, when we see, in the last paragraph but one of his message, that he endorses the very counterpart expression of

* Since the above was written, this coalition has been *in substance* formally acknowledged on the floor of the Senate by one of the high contracting parties, accompanied, however, with efforts at explanation, which rather aggravate than extenuate the offence, for obvious reasons. The same is also confirmed in more explicit form, and bearing evidence of official misdemeanor, in one of Mr. Calhoun's recent letters to his former friend, General Green, on the latter gentleman becoming a candidate for the office of printer to the House of Representatives of the present Congress. Upon that occasion, Mr. Calhoun, though a member of a co-ordinate and counterpoising branch of the Legislature, and therefore having no right, consistently with rules of honor and delicacy, to interfere with the *election of officers* in the vital organization of the House of Representatives, held the following extraordinary language:

"I came to the city under the impression that our principles and *policy* on which we acted, would compel us [meaning himself of the Senate and his party adherents in the other House] to *act with the administration*, if they would *adhere to the course which they had taken*; and that our proper course would be, to *LET THEM* [meaning the administration] *elect their own officers*, [that is, assist them in it,] including the printer to the House, [meaning the editorial organs of the administration, who had already been elected by the administration,] as Mr. Calhoun would express it, as printers to the Senate,] in order that we *might, with greater propriety and effect*, [according to bargain and compromise, *implied or expressed*,] *INSIST* on that course of measures which *we believe to be essential to the INTERESTS OF THE COUNTRY!*"

Here, then, the bargain by which the vital organization of the House of Representatives is bartered away to "the administration" by an *aspiring* member of the Senate, is distinctly admitted and unblushingly avowed; or where could be the necessity "to take such a course of policy" under the pretence of *insisting* on the administration (for the interests of the country) *doing what they had already assumed*, and pledged their best exertions to do, without Mr. Calhoun's aid? If he meant to aid them in the Senate, which it was his privilege to do, he should have been content to do that, without interfering with the independent action of the co-ordinate branch of the Legislature, which virtually paralyzes the constitutional check of the popular representation upon the Executive and the Senate, and in effect tends to place the whole legislative power between the fingers of the Executive.

Is it not thus made certain, to the comprehension of all, that the party friends of Mr. Calhoun acted directly under his control, for the indirect benefit of the Executive, in the organization of the House of Representatives; and, as a means more effectually to accomplish *his views*, aided in excluding the New Jersey delegation, in violation of the laws and the constitution, as well as an infringement of the prerogative of the House? Well might General Green say, upon this occasion "that Mr. CALHOUN, by his coalition with Mr. Van Buren, has lost his moral influence, and, in his opinion, that General Harrison *must* be elected."

Amos Kendall, denounced in his Hickory Club address, in 1832,* against all corporations as "a young nobility system," against which General Jackson had aimed the first blow of destruction—when we see he endorses the like, but perhaps more sweeping denunciation, by his leader in the Senate, Mr. Wright, launched forth in a speech delivered before his democratic constituents during the recess, in which he declared that the glorious revolution of our patriotic forefathers was not yet complete; that we have yet "to rid ourselves of the ARISTOCRACY" of this land of liberty! and how? by cutting off the head, and dividing the spoils, of her principal citizens, where it was supposed that industry was patronised and property protected! I grant that this endorsement is made in Mr. Van Buren's accustomed indirect, parenthetical, and equivocal manner; but it is not the less ardently meant, and for which, if any thing, he should be held the more responsible. Grant, I say, that it is only brought in by a side wind, after a long tirade against the abuses of all State corporations, which, by changing a single term, would be a better description of the *Federal Executive abuses* that gave existence to that immense progeny of corporations, and the relaxed morals of the guardians into whose hands they have been intrusted. Let the reader peruse and ponder upon the following extract with which Mr. Van Buren concludes his denunciation of all corporations, as "a system of exclusive privileges conferred by partial legislation," and then say, if he dare, that the President of the United States has not most solemnly invoked the demon of bloody revolution against the institutions of the sovereign States of this confederacy, "whenever it becomes necessary" to accomplish that great and radical revolution, which he insists must be done, *per fas aut nefas*—peaceably if he can, forcibly if he must!

"To remove the influences which had thus gradually grown up among us—to deprive them of their deceptive advantages—to test them by the light of wisdom and truth—to oppose the force which they concentrate in their support—all this was necessarily the work of time, even among a people's enlightened and pure as that of the United States. In most other countries, perhaps, it could only be accomplished through that series of revolutionary movements, which are too often found necessary to effect any great and radical reform; but it is the crowning merit of our institutions, that they create and nourish, in the vast majority of our people, a disposition and a power peaceably to remedy abuses which have elsewhere caused the effusion of rivers of blood, and the sacrifice of thousands of the human race. The result *thus far* is most honorable to the *self-denial*, the *intelligence*, and the *patriotism* of our citizens: it justifies the confident hope that they will carry through the reform which has been so well begun, and that they will go *still farther* than they have yet gone in illustrating the important truth, that a people as free and enlightened as ours will, *whenever it becomes necessary*, show themselves to be indeed capable of self-government, by voluntarily adopting appropriate remedies for every abuse, and submitting to *temporary sacrifices*, HOWEVER GREAT, to insure their permanent welfare."

The progress of the revolutionary spirit here referred to, is so *stealthily* commended and urged onward to bloodshed and civil war, that it may require a somewhat closer inspection than a cursory perusal to appreciate it fully. I shall therefore write out the last sentence, and, by aid of that powerful interpreter, *INTERSEDO*, interline, in brackets, the allusions with which it is pregnant, and quote them as they are set forth in the preceding passages, and elsewhere, by co-workers in the same scheme of revolution, by way of exhibiting, in the most unequivocal manner, *WHAT THE PRESIDENT WOULD BE AT*.

He says: "The result, *THUS FAR*, [*meaning the result of our 'great and radical reform,' that enterprise of a faction to destroy all our corporate institutions, State and Federal,*] is most honorable to the *SELF-DENIAL*, the *intelligence*, and the *patriotism* of our citizens; [*meaning the 'self-denial' of 'the vast majority of our people,' that is, the democracy of numbers, in abstaining from the rare and exquisite luxury indulged in by 'most other countries,' 'in the effusion of rivers of blood, and the sacrifice of*

* All the allusions of this BUTTENDER of the President's message were most graphically prefigured in the address of Amos Kendall to the Hickory Club festival of the 5th December, 1832. These were his fatal words:

"The United States have their *young nobility system*. Its head is the Bank of the United States. Its right arm a protective tariff and manufacturing monopolies; its left, *growing State debts and State incorporations*."

"The VETO of our illustrious President, so triumphantly sustained by the people, has bruised the HEAD of the *young serpent*. Be it our duty, and that of the people, TO SEE THAT IT NEVER RECOVERS FROM THE BLOW!" [Accordingly, in less than twelve months, this soothsayer removed the deposits, and administered the surfeit to the other banks.]

"The manufacturing monopolies are, if possible, a GREATER CURSE! It is an error to say their evils fall exclusively upon the South. They do more injury to the people of the States where they are located THAN TO ANY OTHERS." &c., &c.

It would now be superfluous to say that facts upon facts are strongly developing the probability that we have had a MAELZEL to superintend the political chess-board of two Presidents, who, as successive AUTOMATONS exposed to public view, have made the moves indicated from BEHIND THE CURTAIN! Thus has he, by favor of his ensconced position, been the great manufacturer of public opinion, by the monopoly of which he has made much, and may yet for a season make more—but will the American people long submit to such a humiliation?

thousands of the human race,' their fellow-citizens, in effecting 'radical reforms'—'intelligence and patriotism' being put in as masks to 'self-denial;'] it [meaning 'the result thus far'] justifies the confident hope that they [the democracy of numbers] WILL carry through the REFORM which has been so WELL BEGUN; [meaning the destruction of all said corporate institutions whatsoever, 'so well begun' by the destruction of the United States Bank, 'the head of our young nobility system,' effected by the joint operation of the veto of the bill for its recharter, and the removal of the deposits, producing also the late apoplectic, and present collapsed condition of the State banks, by the surfeit of the deposits transferred to them for that purpose;] and that they WILL go still further than they have YET GONE [with these 'revolutionary movements'] in illustrating the important truth, that a people as free and enlightened as ours [meaning the 'greatest numbers!']* WILL, WHENEVER IT BECOMES NECESSARY, show themselves to be INDEED capable of SELF-GOVERNMENT [in executing the RULE of the MOB, in defiance of law, the obligation of contracts, and the vested rights of property, upon the Jack Cade principle of 'living in common'] by voluntarily [meaning wilfully] adopting APPROPRIATE REMEDIES for every abuse [according to their interpretation, under the impulses of arbitrary passion] and submit to temporary sacrifices, HOWEVER GREAT, [even unto bloodshed and civil war, progressing 'through that series of revolutionary movements which are too often found necessary in most other countries,] to insure THEIR PERMANENT WELFARE!" [In which result, of course, as the facts have "thus far" proved, they would find themselves egregiously mistaken, by the fruition of such lawless measures of warfare upon all the institutions of civilization.]

Was the President more explicit than this, when he claimed, indirectly and parenthetically, to be a constituent part of the legislative power? That he did so, by such indirection, all must agree, was to let it pass unobserved, and be sanctioned by silence, without raising a question upon it; and just so with this treasonable invocation of the spirit of BLOODY REVOLUTION!

Oh! VAN, thou caittiff! Oh! CATILINE, thou worse than caittiff! Ah! AMOS, dost thou "MOULD and TOUCH" THEM too!

R. M.

WASHINGTON CITY, D. C., January 6, 1840.

* It is hardly necessary to say, that these allusions to the "greatest number," the "democracy of numbers," &c. are not by any means meant as a disrespect to the sovereign people in such aggregate capacity, but merely to expose to THEIR just reproof the reiterated and hypocritical appeals made to them by this flagitious dynasty, in order to cajole and flatter them into a support, by their benign countenance, of the unhallowed efforts making to subvert the institutions of our country, which have been established by those great and patriotic statesmen who flourished in the better days of the Republic, and whom it has heretofore been the delight of the American people, not by distinctions of the "greatest number," the "democracy of numbers," or any other such catch denominations, but by whole communities, to honor, revere, and hold in grateful remembrance, without invidious party distinctions, for the mere glorification of a factious party leader, who, without popularity, is revelling in the popularity of his predecessor, undeservedly transferred to his use, and sedulously devising "popular traps" to retain its use AGAINST THE WILL OF THE SOVEREIGN PEOPLE HE WOULD NOW BEGUILE BY CUNNING.

SUPPLEMENTARY NOTES TO THE THIRD EDITION.

Note [a.] on page 1.

It occurs to me to be proper here to make the following statement, accompanied with the letters subjoined, as a strong *presumptive evidence*, in the absence of *positive proof*, that there was a standing request with Major Donelson to return my communications, as stated in the text, from a very early period down to the close of General Jackson's administration.

Notwithstanding my continued efforts to reclaim all my communications, there still remain to this day unrecovered, the following, which were dated as early as 1829, viz: letters of recommendation from the late William B. Giles, then Governor of Virginia; from the late General Alexander Smyth, then a member of Congress from Virginia; and a recommendation by a great number of the most respectable citizens of Richmond for the situation of librarian, conditioned that it were in the contemplation of the President to remove the then incumbent, Colonel Watterston; together with letters from several captains and commodores in the navy, on the subject of the consulate at Tripoli—all addressed to the President in my behalf and reclaimable by me.

The letters here subjoined will bear me testimony of these particulars in part. The first conveyed the letter of Mr. Giles, above mentioned, as an additional recommendation to those then in possession of the Secretary of State, and acknowledged by the official endorsement on it. The second and third show the readiness with which the promise was made me by the then Secretary of War and the private Secretary of the President, to give such as were in their possession the proper disposal to effect the friendly object. Is it probable that in making that effort—and, by the by, without effecting that object in any manner whatever—the abovementioned communications were lost or mislaid, so that they were never returned to me, as others of subsequent date were, under a more exact compliance with the reiterated request, the former having probably been already irrecoverably lost? The reader will, at any rate, perceive that the failure to lay hands upon them, whenever applied for, would naturally give rise to a *request* and a *promise* to have them "hunted up," which would equally apply to subsequent communications, which, under improved vigilance, were from time to time returned, accompanied with the *evidences* of Executive action. The fourth and last subjoined letter also shows how dilatory was the President on some other occasions at least, in performing his promises, and that it was likewise the practice of others to reclaim their communications. Mr. Parker was also unsuccessful in recovering his for more than twelve months, perhaps *from a prevalent remissness of the private Secretary in the first instance, to arrange the Executive files.*

Robert Mayo to the Hon. Martin Van Buren, Secretary of State.

RICHMOND, April 16, 1829.

I beg you will not consider my adding the inclosed to the already (as I suppose) sufficient testimony in my behalf, now on file, as proceeding from any distrust, that whatever may, with fitness and propriety, be done for me, will, in its proper season, be effected. It was only apprehended that the want of Mr. Giles's good wishes would seem to be a deficiency, rather than otherwise important. He assures me he would have forwarded me a letter at the time that Mr. Stevenson and General Scott did, except for extreme illness, from which he has but recently had a small respite.

The other papers are in possession of Mr. Donelson, to whom I beg you will convey this at your convenience, to be handed to the President.

Your very respectful and obedient servant,

ROBERT MAYO.

J. H. Eaton to Robert Mayo.

WASHINGTON, June 7, 1829.

SIR: The inclosed private letters, as requested by you, have been read, and are now returned.

We have nothing new here—nothing but the same dull routine of business that prevailed when you were present.

Should any appearances make it seemingly necessary, *your letters shall receive the proper direction, as you have desired.*

I have the honor to be, very respectfully,

J. H. EATON.

Andrew J. Donelson to Robert Mayo.

June 13, 1829.

DEAR SIR: Your note of June 6th. would have been answered earlier but for the pressure of business, which deprives me of leisure. You are aware of the appointment of Mr. Meehan to fill the place of Watterston, which, of course, throws your chances of employment upon some other theatre; and I am sorry to say that I know of none to which I can refer you with certainty. Should one be presented, it will afford me pleasure to place before it the testimonials which you have left in my possession.

I am, very respectfully, your obedient servant.

ANDREW J. DONELSON.

John A. Parker to Robert Mayo.

TATTAHANNOCK, December 24, 1831.

MY DEAR SIR.

The object of this letter in part, is, to ask, at your hands, a small favor. Soon after General Jackson came into office, I desired a situation in one of the Western States. I opened a correspondence with Major Lee on the subject, and he had an interview with General Jackson, who told him if I was recommended to him by some of the members from our State, I *should* receive an appointment. As soon as my friends ascertained that such a pledge had been made, they procured from Tazewell, Tyler, Stevenson, Judge Parker, and others, letters to the President and Secretary of State in my favor. In April or May after, I waited on the President with my letters; I remarked when he had read them, that it would be extremely gratifying to me to be honored with the confidence of his Administration by receiving an appointment; yet it was not my intention, nor did my situation require, I should press my application; my claims had been stated by my friends, and it was for him to decide whether they were such as to entitle me to receive an appointment. His reply was, "Mr. Parker, at a convenient time you *shall* be provided for." The same language he held to Major Lee about fifteen days before he left the United States. Since that time, I have not said any thing to the President on the subject, nor have I heard from him; I presume I have been long since forgotten. I, however, stand now in the same relation to him I did in 1825, and 1824; I desire his re-election sincerely, and what little influence I have, shall be used to promote it. I *shall* not *again* ask office, although I should be pleased to receive an appointment in Washington or elsewhere. I know, however, I am too obscure to be thought of. Now I desire to get possession of the letters spoken of; they were regularly filed in the office of his private Secretary, and I request you, as a friend, to call and procure them, and send them to me; they may, and I think will be, of service to me.

In haste, your friend, &c.

JNO. A. PARKER.

Were not the above letter entirely honorable to Mr. Parker, in every respect, I should probably have waived all the benefits of its use as evidence here. It establishes another fact, however, in written form, of greater importance to the public, but which, I believe, was before colloquially notorious, that the President very early adopted the policy of placing members of both Houses of Congress under obligations for Executive favors to their friends. How far such a policy militates against the independence of legislative action, I shall not discuss here, but shall advert to it again on another occasion.

Note [b.] on page 7.

It occurs to me that I have passed over rather lightly two or three disingenuous artifices of the foregoing affidavit, which I will avail myself of this occasion to remark upon.

It has been perceived by the reader that the affiant peremptorily swears [1] *that the aforesaid letter*, (meaning the copy of his letter to Fulton,) *was purloined from his office*. It has also been perceived that he admits, that two of the members of his family, A. J. Donelson, and Andrew Jackson, jr., had free access to the drawer, where he alleges that and other papers were filed. Now, let me ask, if either of those accredited agents had removed the said copy, (as they clearly might, having access to it,) especially too, if it were filed within my original communication respecting the Houston conspiracy, as evidence of the President's action upon it, and either designedly or inadvertently conveyed to me with my said communication, would that act of his own agent have been an act of purloining? If not, the affiant could not swear peremptorily that it was purloined, without hazarding a *false oath*—nor would any man so swear, having conscientious scruples about a false oath.

But it would seem that the affiant made this bold declaration, in order to give some plausibility to the *guess* which he immediately after makes, that "Robert Mayo purloined it;" and, probably, with the further design of exciting wonder or distrust, *how else I could possibly get possession of it, or from what motive it could have been placed in my hands*, he adroitly keeps out of view the fact, *that it was an action upon my communication to him*, and was therefore most probably filed with it, at the time it was prepared; he necessarily, then, having that communication before him. He probably saw, that, had he made that statement, the inference would have been perfectly natural and spontaneous to every man's mind, that in making rendition of my documents generally, this copy came along with them, whether inadvertently or not. But having thus kept out of view the fact of its connexion with my communication, he then very significantly says, "if it had been handed to me by any one, I would have returned it to him." Grant that such would probably have been my course, were it an isolated document, instead of being enveloped in my original communication, and further identified with it by the endorsement on the general envelope, and handed to me by his accredited messenger. The reader will now perceive, that *had this general envelope not been preserved*, upon which is endorsed,

in General Jackson's own hand, an order to write such a letter to Mr. Fulton, of which that in question purports to be a copy, I would possibly have been at some difficulty to show its connexion and identity with my own package, and that this device might have been successful in exciting a general distrust for what motive it could have been placed in my hands as an isolated document, or how else I could have become possessed of it, except by purloining it. Who will now believe that this mode of constructing the affidavit was not a disingenuous artifice, with a view to involve me in such embarrassing inferences, when it is also taken into account, how repeatedly the affiant afterwards speaks of this copy being "found" in my possession, and of my "acknowledging" that I showed it to ex-President Adams; neither of which allegations is true, (as I have before stated,) in the malicious sense obviously intended to be conveyed.

With regard to the question whether it was handed to me with my original communication, as showing the Executive action thereon, or through sheer inadvertence, this inquiry was entirely superseded and set aside, in my estimation, by other paramount considerations connected with it; for, when I bore in mind that *there existed other strong evidences of collusion between the President and an association of ruffians against a friendly neighbor*, I felt it incompatible with my rights as a citizen, and my duty to the public, to take any other course in the premises, than that of public exposure. Moreover, my conscientious belief was, that if I had contributed in any manner to suppress this evidence, I should have become accessory after the fact, in the conspiracy, and the Executive collusion therein.

In confirmation of the above reflections on the disingenuous artifice resorted to, in constructing this *NEFARIOUS AFFIDAVIT*, I may here add, that since the first edition of this refutation, it has been credibly *stated* and *reiterated* to me, that when General Jackson heard of my having possession of the copy of his letter to Fulton, he in the unsophisticated frankness of the first impression, slapped his thighs and exclaimed, that "it must have been sent to Mayo with his own documents!" but we all too well know that the "second thoughts" of Andrew Jackson are wont to be *most malign, and deadly directed!*

I will add that, since issuing the first edition of this refutation, I have hardly met with a single gentleman, who has mentioned the subject, who has not freely declared "he would not believe General Jackson upon oath when his passions are roused," or words equivalent. Many of his angry altercations and personal contentions with old friends and associates, among which may be included his controversy with Mr. Calhoun, testify to this foible. His pledges of reform, unredeemed but by converting the alleged angean stables into a great cow-house, or worse filthy pig-sties, amply attest the same; as do his broken promises but too freely given, of rewards for political and party services, afford a fruitful chapter of the like character: while his persecutions of meritorious officers, because politically opposed to him, and his patronage of others (however opposed, incompetent, neglectful, worthless, or practised in defalcations, if they but have influential friends to say "better let them be") according to the dictates of political gambling—"which assumes as many shapes as Proteus, continually wears the mask of dissimulation, and lives a perpetual lie"—are no less prolific of illustrative instances. And were I to resort to his diplomacy, it would be almost as endless to recite the cases in point. I shall only advert to a few of them. He practised a gross deception upon Congress in his sixth annual message, in which he made complaints against the French Government for not ordering an appropriation at the session of the Chambers, before its adjournment in April, 1832, to pay the first instalment of the 25,000,000 indemnity, which would only fall due in February, 1833, nearly twelve months afterwards. In these premature complaints may be found, no doubt, the sullen motives of subsequent procrastination by that sensitive nation. In prosecuting this angry altercation, thus wantonly and disingenuously raised with the French Government, he who never avoids responsibility, but the boasted champion of all responsibility, uncandidly ensconced himself behind his party leaders in Congress, *by permitting to devolve on them the responsibility of making a proposition to appropriate three millions of dollars to prepare for a French war*—he having, in a message shortly before, urged upon Congress to pass a law *authorizing reprisals upon French property*, at the same time declaring it to be his belief that it would be regarded by that nation as an amicable measure; whereas, it requires not even a horn-book politician to know that either and both of those propositions, being adopted, would have been viewed by France as hostile measures, and would have immediately involved us in an unwarrantable, uncalled for, and premature war. Reviewing, also, his disingenuousness towards Mexico, in connexion with the similar movements of great numbers of our citizens on the Canada frontier, under the expectation of the countenance or connivance of the Executive, as in the *case* of the

piratical expedition against the former, there can be no shadow of doubt that we should at this moment be involved in an unjust and disastrous war with England, were General Jackson yet President of the United States. At seeing his ancient enemy resent this insidious invasion of her dominions, he would have bristled up like a hedge-hog, and the whole country would have been brought into the scrape, *from the necessity of the case*, rather than seem to quail at the conflict, however unjust, unprovoked, piratical, and wanton in its origin!

Note [c.] on page 11.

If the reader will peruse the following extracts, (from the correspondence between the Secretary of State and the British Minister, as it appears in the House document No. 181, 3d session, 25th Congress,) in connexion with my foregoing letter, marked A, to General Jackson, in 1830, he will perceive that in the similar case of the interference of citizens of the United States in the affairs of Canada, the present incumbent of the Executive office, communicated with the British Minister on the slight grounds of *rumor only*, while his predecessor enveloped the most circumstantial testimony of the movements then contemplated against Mexico, through a succession of years, in impenetrable secrecy. He will also perceive in the description of the British Minister's subsequent communication, a most striking counterpart of my said statement of the movements so contemplated by Houston and his associates against Mexico, from which it is obvious that those described by Mr. Fox, as having been organized against Canada, were modelled. With these connected operations in his view, I feel confident that whoever did not perceive the public interest in my exposition of the President's collusion with Houston, at first sight, will appreciate its importance in the end.

Mr. Forsyth to Mr. Fox.—An extract.

DEPARTMENT OF STATE,

Washington, February 8, 1838

SIR. I have the honor to acknowledge the receipt of your note of yesterday's date, acquainting me that you have received advice from Lieutenant General Sir John Colborne, &c.

I hasten to make known to you that no official intelligence has reached this Department of the circumstances stated in your note. The President has, however, directed me to inform you that General Scott's attention had been called to the *rumor of movements near Plattsburg which had reached the State Department*, and that orders will now be extended to that officer to repair to that part of the frontier in person. As General Wool has been in Vermont, in the neighborhood of Plattsburg and Champlain, the President does not doubt that he has interfered to prevent any violation of the law, if any were intended, by citizens of the United States, or other persons within our jurisdiction.

I pray you to accept the renewed assurance of my distinguished consideration.

JOHN FORSYTH

HENRY S. FOX, Esq., &c.

Mr. Fox to the Acting Secretary of State.—An extract

WASHINGTON, November 3, 1855

SIR. The alarming *reports* which had reached the United States Government respecting apprehended hostile movements against Canada from within the American territory, and which *were* communicated to me by the friendly orders of the President, have been amply confirmed by intelligence conveyed to her Majesty's colonial authorities through various other channels; and I am sorry to add that the mischief appears to be far more serious and extensive, and the danger of hostile disturbance more imminent, than had been represented in the information received at Washington.

It is now ascertained, beyond the possibility of doubt, that a secret combination or conspiracy of vast extent, and possessed of large resources in money and warlike provisions, has been formed, and is at this moment in active progress within the confines and jurisdiction of the United States, for the purpose of waging war upon her Majesty's provinces of Upper and Lower Canada. The combination extends along the whole line of the Canadian frontier, from Maine and Vermont to the State of Michigan; it extends also far into the interior of the States of New York, Pennsylvania, and Ohio; and likewise into the neighboring State of Kentucky. It is affirmed, and believed, that 40,000 American citizens are already enrolled in this criminal association. The above is the lowest estimate. The depositions of some of the informants carry the number to a much greater extent. To these are joined a few vagrant Canadian refugees. The number of the American conspirators is daily and hourly increasing. The plot is carried on by means of masonic lodges, secretly established in almost every town along the frontier; the members whereof communicate with each other by private signs, and are divided into several grades of initiation. A complete system of these secret signs, as well as the cipher or secret alphabet, by means of which the associates correspond in writing, is in the hands of her Majesty's authorities. The regular organization has been completed, of a pretended provisional government for Upper Canada, with assumed official rank and commissions, both civil and military. The names, description, and residences of the chief members of this pretended government, who are American citizens, are also in possession of the British authorities. A pretended national bank of Upper Canada has also been organized, to be established and maintained by the seizure and plunder of the public property. The superior lodges of the association are believed to be situated in the towns of Rochester, Buffalo, and Detroit; a grand central lodge, or convention of delegates, is held at Cleveland; another considerable lodge is situated at Cincinnati. Arms and warlike stores are secreted at various points; and the conspirators also reckon that, with their present force and number, and complete organization, they will have no difficulty in again forcing and plundering the United States and State arsenals, whenever the time for showing themselves in arms shall have arrived.

No less than nine steamboats, of those that ply regularly on Lake Erie, the names of which are known to the British authorities, have been engaged for the service of the conspirators. I am afraid there is no doubt that a number of magistrates, justices of the peace, and State officers of the States above mentioned, are engaged in the same flagitious enterprise.

The direct objects of this vast combination are to invade and conquer Upper and Lower Canada, to subvert and revolutionize the established Government of those provinces, and to wrest them from the rightful dominion of the British Crown. These are designs of the chief directors of the plot; but it is probable that a large majority of their followers have enlisted in the scheme for the sole purpose of rapine and plunder. The particular mode and time of operation do not appear to have been yet determined upon by the conspirators, but will be made to depend upon circumstances, and the accidental course of events.

The above particulars, a large proportion of which is already known to the United States Government, are derived from private information, received through various channels, by her Majesty's authorities in Canada. The evidence which has been submitted to her Majesty's authorities, and also to myself, is of such a nature that we can entertain no doubt whatever of its truth. There may possibly be error or exaggeration in some of the details, which must usually happen when secret combinations are to be detected and dealt with; but the general truth of the information admits of no doubt whatever.

I have the honor to be, sir, with high esteem and consideration, your most obedient and humble servant,

H. S. FOX.

AARON VAIL, Esq.,

Acting Secretary of State of the United States.

Note [d.] on page 13.

1. Mr. Hunter and myself were strangers here, and could not have been expected to make out such a statement, (see the text,) except by the assistance of others, whose long residence and familiarity with the inmates of the Departments, would enable them to contribute the information desired. And though no one, at the present day, beyond the pale of the Jackson and Van Buren ranks, can look at it in any other light than as *a most ungrateful commission to participate in*, yet it may safely be alleged, that there are but few men who advocated the election of General Jackson, at that day, under the clamor that had been raised by his friends, both in and out of Congress, in relation to *official abuses and the reform* that was desirable in the public Departments at Washington, *who would not have cheerfully contributed their aid to any preliminary steps which he and his prominent friends here, whether of his cabinet proper, his clandestine cabinet, or other confidential associates, might propose as necessary means to accomplish his pledges, or any modifications thereof*; HE, in whose official personage is embodied the executive unity, *being justly deemed responsible to the public for the uses he should make of the information sought*. I need not say that the almost unbounded confidence reposed in the integrity of his purposes, by which he was placed in the presidential chair, involved many more than my humble self, in contributing the information and other means desired, for executing the policy of his administration, (and in many respects others have gone beyond us, in volunteering the same, without request,) and without contemplating the most distant possibility of being held accountable to public odium for contributing those facilities—as the authorities who *framed, adjudged, and executed the rule*, were supposed rightly to assume, and justly to bear *all the responsibility of that policy*.

I can give the strongest presumptive evidence that General Jackson did *once* concur in this sentiment, as expressed to him by myself in a letter of remonstrance, dated October 3, 1836, against my dismissal by heads of bureaus (his own appointees) implicated in those statements of official delinquencies; and that he then tacitly recognised the truth of my complaint, *that a hearing in the matters represented, had been denied me*, though he has found it convenient to other views since, to say *they had been fully investigated*; for, in ten days after the date of that letter, he referred me to Cary A. Harris, the then *acting* Secretary of War, for a highly responsible appointment in the War Department, without making any exception to that letter. Here is the extract:

WASHINGTON, October 3, 1836.

"His Excellency ANDREW JACKSON, President of the United States.

"I am at a loss in what terms to commence to address your Excellency, to give you any tolerable idea of my situation in the briefest manner possible. I fear, indeed, the old but expressive adage will be fully applicable to me, *first and last, 'that I have brought my figs to a poor market.'*"

"Be that as it may, it is nevertheless true, that I have been engaged about twelve years, by writing and otherwise, in advocating the cause of Jacksonian democracy.

"Whatever part I may have performed as a witness [in the latter part of this period] in stating facts in pursuance of the wishes of my superiors of the political fold, placed by the people at the helm of the Government for the declared object of *reform*, I do not see with what self-justification, even the parties implicated by such testimony can lay violent hands on the witness, *whether the facts bring them within the rule of reform or not*. The framers of the RULE, the authorities that *adjudge and execute it*, but not the witnesses, are accountable for its correctness and proper application. The punishment of a witness, and that too, by the party indicted, WITHOUT A HEARING, is equally unknown in the annals either of jurisprudence, or of *lynch-mob-equity*."

(Signed.)

R. MAYO.

Here is an explicit denial to the President, that a hearing had been granted me in relation to representations that I had contributed to, in compliance with his wishes; an utter repudiation of responsibility for those proceedings, except for the truth of the facts stated; and a just complaint, that the witnesses should incur any odium or punishment for complying with their high commission in these matters, *without a hearing*. And I again repeat, that my appointment in the War Department, ten days after the date of that letter, without objection or qualification to its statements, is a full justification of me, in all those matters. From that time there was never a breath of dissatisfaction uttered, until the clamor was raised in the spring or summer of 1838, to produce a diversion from the exposure I had made of General Jackson's collusion in Houston's conspiracy, by suggesting a false presumption that I had become surreptitiously possessed of the copy of his letter to Fulton. I now subjoin the evidence of the Secretary's precipitate action to dismiss me from that office on the false presumption alluded to; and the further evidence that this assumed ground of dismissal was abandoned, and the allegation cancelled on the same day it was made. But the dismissal being permitted to go into effect nevertheless, is more of a reproach to the injustice of the Secretary, than to myself, in any sense—for I told him at the interview, when he made the cancel, that I had no favor to ask, and nothing to deprecate, from him, but demanded that my character should not be stigmatized by him. Now, I ask, would he have abandoned the ground of dismissal, had he any evidence better than General Jackson's or any other man's malignant guess to sustain it? Did not this act, impugning that surmise, sufficiently avow and declare the egregious wrong done me by assuming it as a ground of dismissal? When the ground was abandoned as soon as taken, should he not also have cancelled the action to dismiss? I am free to say, that it was a dishonorable attempt of the Secretary, (to consign me to infamy,) as the cats-paw of the irresponsible ex-dignitary enconced behind the curtain, whose umbrage conceived against me was attempted to be cloaked under this false charge, and though that could not be sustained, the personal umbrage could not be appeased without dismissal, right or wrong. But now that he has come out in the open field, I will be responsible that I will have a fair hit at him, and his cats-paws in the bargain. Here are copies of the Secretary's two notes to the head of the bureau in which I had been sole clerk for nearly two years.

DEPARTMENT OF WAR, July 30, 1838.

SIR: Having understood that Mr. Robert Mayo, a Clerk in your office, has communicated to Mr. Adams, a copy of a letter from General Jackson to Governor Fulton, which he must have obtained—accidentally, I desire that you forthwith discharge him from the service of the Government.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major LEVI WHITING, *Clothing Bureau*.

A true copy,

L. WHITING, *Major U. S. Army*.

July 31.

SIR: Dr. Mayo having called upon me and explained the manner in which he became possessed of the letter communicated by him to Mr. Adams, I beg you will obliterate the words *surreptitiously* or—in my letter directing you to discharge that gentleman from the service of the Government.

Your obedient servant,

J. R. POINSETT.

Major WHITING.

A true copy,

L. WHITING, *Major U. S. Army*.

II. But to go back and resume the narrative, where I stopped to quote the presumptive evidence of the President's concurrence in the position I had laid down, of innocent compliance, &c., I say, that under this conviction of the innocence of contributing information, I also took an active part in collecting the materials for another list, with the memorial, which were presented to the President in May 1833: and this procedure was also taken under the advisement and supervision of Amos Kendall. But, although his authority, from the well-known confidential relations between him and the President, might have been considered complete, yet I took the precaution to ascertain the *inclinations* and *wishes* of the President on the subject; and in the course of repeated interviews and consultations, settled the principal heads, with his approbation, under which the statements might be arranged and characterized. The suggestion of a MEMORIAL to be signed by twenty or thirty citizens, and to be accompanied with written statements by witnesses of the matters proposed for investigation, was made by Kendall, and submitted by me to General Jackson, which met his entire approbation, so far as his *professions*, and *continued countenance* of the matter while progressing, could be relied on; and as positive evidence of this, upon one of those consultations, he went far beyond anything embraced in the prayer of the memorial, (which only asked for investigation,) by declaring, in the presence of F. P. Blair and T. B. Reily,

that "he would turn them out faster than he had ever done yet." Mr. Blair had entered the room but a minute or two before, while Mr. Reily and myself were with the President, the latter exhibiting to the President some of the materials that were in preparation, particularly a copy of a letter of a Mr. Anderson, then, and now, a clerk in the First Comptroller's Office, to the Editors of the New York Courier and Enquirer.

It had been determined, upon consultation and advisement of Kendall, that these materials should be collected by a committee who should hold their meetings at my residence. I gave the invitations to each person composing that committee, after first consulting and obtaining the approval of Kendall on the nomination of each one. Among others, John H. Sherborne, now a clerk in the Land Office, was nominated to Kendall, but was decidedly disapproved by him, as he alleged, *for want of credibility*. Also James Owner, now a clerk in the Post Office Department, was at first disapproved by Kendall, as he stated, because he was then an applicant for office, and his statements might affect his claims for appointment; but he was afterwards admitted to membership, waiving this objection, on account of the extent of his information. It had been contemplated to nominate James B. Thornton, Second Comptroller, on the committee, but having strong charges against him for gambling and intemperance, I declined it. The following is a list of the persons who met at my residence, some of them once, twice, and thrice, others more frequently, till the document was completed from the statements furnished:

AMOS KENDALL, then Fourth Auditor, now Post-Master General!!!

ELIJAH HAYWARD, then Commissioner of the General Land Office.

JOHN N. MOULDER, late Chief Clerk in Second Comptroller's office.

THOMAS B. REILY, then in 1st Comptroller's Office, now clerk in P. O. Department.

J. A. M. DUNCANSON, then, and now, clerk in the Post Office Department.

A. W. GOODRICH, then a clerk in the Post Office Department.

JAMES OWNER, then an applicant, now a clerk in the Post Office Department.

ROBERT MAYO, then a clerk in the Pension Office, formerly in the P. O. Department.

HANSON GASSAWAY, [then a principal witness in an investigation of the Navy Commissioners' Office, ordered by the President, and conducted during a space of nine months, by Amos Kendall and Gen. John P. Van Ness, as commissioners appointed for that purpose, with a clerk (a Mr. Jordan) at the rate of \$1,500 a year, and the compensation of the Commissioners probably double that amount each—their report, withal, resulting in smoke—but more of this hereafter.]

Several other persons were invited to be of the committee, but declined to take part. While these documents were in preparation, at one of the last interviews with General Jackson on the subject, he manifested his impatience at their delay, by urging their completion, "else they would be too late," saying, that "three months, four months, *six months* had elapsed, and they were not yet ready." My reply was, that "they were just about being completed." A few days after (when twenty or thirty citizens, three or four at my instance, had signed the memorial prefixed to the list, for which latter they were in no manner responsible, except in asking for an investigation of it,) Thomas B. Reily, A. W. Goodrich, and myself, waited on Judge Hayward (Kendall being absent from the city) with the memorial and sequel, which he read through, from beginning to end, and then recommended it to be handed to the President, which was done by myself the same day, proceeding direct from Hayward's office. About that time, I had mentioned to the President that I had prepared an article for the *Globe*, to call the public attention to the proposed investigation; but he recommended that it should be sent to the *Richmond Enquirer*, which was accordingly done under the frank of Judge Hayward, to the address of Peter V. Daniel, Esq., with a request to hand it to Mr. Ritchie, who published it, as well as I recollect, in the *Enquirer* of the 10th May, 1833.

Upon the perusal of the documents by General Jackson before his cabinet, it was found that he had caught a Tartar; and the great difficulty, at first, was, how to dispose of it—for the graver offences noted were chiefly of the paternity of his own appointees, while the minor ones, consisting chiefly in differences of opinion, were charged to his political opponents. Here, then, was the trying conjuncture; and the great desideratum was, to get out of the scrape themselves as adroitly as possible, by making scape goats of those whose aid had been enlisted in the matter; accordingly, it appears from the record of the *Richmond Enquirer*, that the first step was to *give the cue to the editor of that paper*, and appease his ravings, or divert them to a false direction, after the example of the felon who cries "stop thief!" This is manifest, from a letter from Washington, dated 26th May, 1833, imputed by Mr. Ritchie to the authority of the President, as he clearly intimates, in

prefacing an *extract from it*, published in his paper of the 31st same month, characterising it as an *assurance* of what disposition he would make of those papers, viz :

Extract from the Richmond Enquirer of the 31st May, 1833.

"A few words as to those persons who have been concerned in getting up these papers! to those patriotic volunteers who have undertaken to instruct the President and his Cabinet about the qualifications of his officers; to that 'Central Committee' who have dared to revise the machinery of the administration and to regulate its movements; to those d——d good friends of Andrew Jackson, who are doing him more injury by their indiscretion, than ever they will be able to correct by all their fidelity and all their zeal. And first, let us remark, this is not the first time we have scouted at this impertinent interference with the administration of the Government. *Some eighteen or twenty-four months since we received an anonymous PRINTED HAND-BILL from the city, got up for a similar purpose with this more modern memorial.* It was accompanied with a written memorandum on the margin, inviting our attention to its contents, and asking our support. We noticed it at the time. We denounced the proceeding in this paper; and since that time we have not heard of the matter. But, as it now dares to show itself under something of a new face, we must repeat the indignation we feel for the whole transaction; and may we not add our hope, that the President of the United States will mark it as it deserves? We know the ire we are kindling by this plain speaking, in the bosom of the parties concerned, but we do not dread their resentment, nor do we deprecate its consequences. We speak what we believe to be the truth. *We dislike this wholesale proscription.* If any officer at Washington be *incapable, dishonest, or unfaithful*, why, let him be discharged. And we have no fear that Andrew Jackson will ever be wanting in the energy which such an arduous responsibility requires. But that he will view this proceeding in the light in which it deserves, we have some ASSURANCE in the following letter :

"Extract of a letter from Washington, dated May 25.

"There is nothing new here but what the newspapers will inform you of. Last week a curious farce was got up by some persons in office! They got up a petition, praying the President to discharge from public employ all *immoral, drunken, and incapable* incumbents; and went round with this paper, and obtained the signatures of a number of citizens of Washington, who thought there was no harm in signing it, (neither was there)—no particular names being designated for removal. When the conspirators got as many names as they wanted to the petition, they appended to it a paper (without a knowledge of most of those who signed the petition) purporting to be a list of those deemed *immoral, drunken, and incapable*. This list contained about 150, many of them the most respectable, useful, and efficient officers employed by the Government. When the President read the paper he was very indignant, and sent for those very officious office holders who headed the petition, and told them that they must make out specific charges against the proscribed individuals; and, if they failed to do so, and prove them against those on the proscribed list, that they themselves must lose their places."

The first remarkable fact displayed in the above extracts, to which I shall ask the attention of the reader in order to show the prevalence of the agitation of proscription at Washington, during the first term of General Jackson's administration, is, the "PRINTED HAND-BILL" that was sent to Mr. Ritchie in 1830 or '31, asking his co-operation in the proscription proposed—it being one of those schemes of which I had no knowledge or participation whatever. Though this fact tells a great deal, I will pass it without comment, and take up that flagitious description made by Mr. Ritchie's correspondent, giving him "*assurance*" that the President "will view this ('more modern') proceeding in the light in which it deserves"—falsely and maliciously describing it as "a petition praying the President to discharge from public employ (150 persons alleged to be) *immoral, drunken, and incapable* incumbents," "many of them the most respectable, useful, and efficient officers employed in the Government." Now, the reader has perceived that the prayer of the memorial or petition was not to dismiss any one, much less 150 persons, but that it "prays the President will grant such relief in the premises as to his excellency may seem fit and proper," &c. &c. He also falsely declares that "the President sent for these very officious office holders, and told them that they must make out specific charges against the proscribed individuals; and if they failed to do so, and prove them, that they themselves must lose their places." The persons alluded to were not officious in this matter, unless the first of the committee above named, Amos Kendall, was so; for they acted by virtual commission, under invitation, in the first instance, by Kendall, and the continual recognition of the President, of Kendall, and of Judge Hayward. They were never sent for by the President, to my knowledge, nor required by him to make specific charges; for specific charges were made, but not to the executive taste, as they were in most instances against his own appointees, some of which were afterwards proved to be true by investigating committees of Congress on the Post Office Department; and I have no doubt other delinquencies would have been detected had the investigation been granted, which would have prevented many of the overgrown enormities that were afterwards brought to light, when too late, by other committees of Congress: these very officious office holders, therefore, acting under the commission of the President, did not fail to prove those specific charges, for they were denied, on the "second sober thoughts" of the President, the opportunity to prove them, nor did they receive a threat from the President to lose their places; on the contrary, the favorites of Kendall were protected from the wrath of the parties implicated, and several of them better provided for than before, excepting Goodrich and myself, who, having lost cast with Kendall, (that artful generator of factions and intrigue,) though not officially connected with him, were turned out, after a long struggle, for want of his clandestine influence

and *intercession*, but were again, with bad grace, shabbily provided for by the reluctant and tardy relenting of the President.

Whether the letter to Mr. Ritchie, from which the above extract is taken, was written by the President, by his private Secretary, or by Amos Kendall, or any other palace slave, Mr. Ritchie has quoted it as an authentic "assurance," and therefore I have a right to treat it as such. But, two days after that hopeful missive was despatched from Washington, Kendall himself left for Baltimore, on his financial intrigue against the United States Bank, and on his arrival there sent me the following—one beauty of which fixes upon him that very co-operation he so meanly and dastardly endeavors to get rid of. It also displays a singular affinity to the above, in the triple epithet "*immoral, negligent, and incompetent*;" but the best of these indirect avowals is, "that there were (in his opinion) *many* holding office at Washington who ought to be removed," and that I "defeated that reform (proscription) which (he considered) was necessary and practicable." Here is his precious confession, volunteered as his best mode of escape:

"BALTIMORE, May 28, 1833

"DEAR SIR: I have had a conversation with Mr. Hinckley, a clerk in the Post Office Department, who came down in the stage with me, of which it is proper that I should apprise you. He stated that certain charges had been made against him, as well as others, and that he had been several times informed at Washington, that the whole proceeding had originated with me. I replied to him that I knew nothing of the charges against him, and that I had had no agency in originating the proceeding, *other than to express my opinion when it was sought*; that my opinion was that there were *many holding office at Washington who ought to be removed*; but that I had advised against making charges implicating even them, unless the evidences of their character and conduct were first collected in written statements, signed by the witnesses; and that the course pursued, if it had been correctly stated to me, was not only unadvised by me, but contrary to my advice.

"I have thought proper to give you the substance of this conversation correctly, because I know not what turn it may assume in our gossiping city, before it reaches your ears, as it no doubt will.

"I do regret most sincerely that you moved at all in this business, without the proofs in hand, and that you have embraced many individuals against whom I am sure that nothing can be sustained. Its effect is to throw all their influence and that of their friends into the scale against you, *and thus defeat that reform which was necessary and practicable*. As the matter stands, I think you will soon be convinced that it would have been better not to have moved at all, as I advised you, unless you could come forward with the written statements of some *twenty or thirty* persons, confirming the charges. However, *I certainly do not mean to interfere for your injury*. At the same time that I must steadily disclaim having aided in or advised the course pursued, *I shall just as steadily maintain that all IMMORAL, NEGLECT, and INCOMPETENT persons, as well as those who are openly abusive of the President and administration, ought to be removed*; and that you, having taken the responsibility of making charges, ought to have a fair hearing. I shall be detained here some days, possibly two weeks.

"With high respect, your obedient servant,

"AMOS KENDALL.

"Dr. R. Mayo, Washington, D. C."

Now let the reader take note of the facts, that the letter to Mr. Ritchie bears date the 26th May, that of Mr. Kendall to me the 28th May, that of the President to Mr. DeKrafft the 29th May, and that all are of the same purport nearly, or at least have very strong family likenesses, declaring that the President was requested to *remove* some 150 of the best officers of the Government, when no such request was made; and denying that any specific charges were made, when in fact there were specific charges in many instances against his own appointees as well as against a few others. It is manifest that there was a general consultation and consent in the latter part of May, 1833, to make their escape from the unpleasant predicament they had brought themselves into by their *carte blanche* commission on the subject of reform, by alleging a false excuse, and promulgating a false description of the memorial and sequel. Furthermore, as Mr. Kendall has gone so far as to commit himself (along with other things) upon these two points, viz: that there "were many persons holding office at Washington who ought to be removed," and that I have "defeated that reform which was *necessary* and *proper*, by embracing many individuals against whom he is sure nothing can be sustained;" and as his continual intercourse with his confidential friend, Thomas B. Reily, Esq., (in whose family he and his family lived about that time, and to whom he promised a better office than the one he had, at the first meeting of the committee at my house, should any disaster befall him in consequence of those proceedings,) must have enabled him to compare notes with Mr. Reily on the list of those whom he (Kendall) deemed necessary and proper to be removed—the impartial reader will perceive that I am perfectly justifiable in supposing that the several lists furnished by Mr. Reily during those meetings, ought to contain the full exposition of Kendall's views in this regard. I shall therefore subjoin one of those lists, the most comprehensive as to numbers—there being three of them furnished by Mr. Reily, in his own hand and signature, dated in April, 1833, besides those of other personal friends of Mr. Kendall, one addressed to him, and others frequently making reference to him as a witness. I may, then, ask Mr. Kendall if the following list embraces the many persons who, in his opinion, ought to have been removed, and whose removal I had defeated by including many of General Jackson's own ap-

pointments!—for scarcely a reference is made to me as a witness in the case of any others. But for a full exposition of this whole affair, turned into a farce by the Executive dismay at perceiving that they had caught a tartar, a more ample theatre will be necessary.

[*This is one of the lists furnished by Thomas B. Reily, to be incorporated in the sequel to the memorial of sundry citizens of Washington, addressed to the President in May, 1833, asking for "such relief in the premises as to his Excellency may seem fit and proper," viz:]*

Office of Secretary of the Treasury.—Samuel M. McKean, Thomas Dungan, Robert Newell, John McGinnis, Gilbert Rodman.—Violent and abusive. The two last *protégés* of Samuel D. Ingham; the last a vociferous nullifier. Refer to Jas. L. Anthony, Geo. Johnson, Samuel Handy, and Th. B. Reily.

First Comptroller's Office.—Wm. Williamson, James Larned, Benj. Harrison, William Anderson.—Decided opponents; have been abusive; the second dishonorable in his dealings. Refer to S. P. Webster. The last an abusive correspondent of James Watson Webb. Refer to S. Handy, Lund Washington, Geo. Johnson, and Th. B. Reily.

Second Comptroller's office.—Enoch Reynolds, Jona. Seaver, Jas. M. Cutts, John Sessford.—Enemies—all; particularly the last, who pronounces this the most corrupt administration of all. Refer to J. N. Moulder, Jno. Davis, Jno. M. Brodhead.

First Auditor's Office.—Wm. Parker, Wm. Morton, Jno. Coyle, Jno. Underwood, Jn. G. Slye, Thomas Barclay.—Enemies; some of them superannuated; all been in office over sixteen years. Refer to Jere. W. Brodhead, Geo. Johnson.

Second Auditor's office.—Jas. Eakin, John Peters, Samuel Lewis, R. M. Boyer, Wm. Mechlin.—Enemies. Reference, John Wells, jr.

Third Auditor's Office.—Several enemies in this office. Refer to Jno. N. Moulder and John Wells, jr for their names.

Fourth Auditor's Office.—Thomas H. Gilliss, Robert Getty, Henry Forrest, Geo. Gilliss, Rob. McGill, H. C. Williams.—Reference, Mr. Kendall.

Fifth Auditor's Office.—S. Pleasonton, Thomas Mustin, J. D. King, D. Easton, Wm. Dewees.—Enemies; and the two last useless; incompetent. References, John H. Houston, James Gooch, E. J. Hume.

Solicitor's Office.—Virgil Maxcy, a Calhounman and nullifier. Refer to S. P. Webster and Dr. Mayo.

Treasurer's Office.—Peter G. Washington, (an old offender, burnt Gen. Jackson's picture in 1827, belonging to a lady, said the N——y was the proper place for it, &c.) G. W. Dashiell, Samuel Forrest, Andrew Smith, James Moore. Reference, as to their opposition, to Col. Butler, S. P. Webster, Jno. N. Moulder, and Th. B. Reiley.

Register's Office.—Michael Nourse. James McClery, John D. Barclay, (bitter,) James Lawrie, Wm. B. Randolph, (promoted by register,) Lewis Salomon, (foreigner,) Wm. James, B. F. Rittenhouse, Jno. B. Blake, (nullifier,) James D. Woodside, P. W. Gallaudet, Alex. McDonald.—All enemies. Reference, Rev. Mr. Evans, Jno. N. Moulder, Ch. H. W. Wharton, (as to Blake,) George Johnson, Th. B. Reily.

General Land Office.—Jno. M. Moore, S. D. King, Fred. Keller, George Wood, Wm. Simmons, S. Gresham, J. K. M. Bryant, Wm. Otis, (usurer,) Wm. S. Smith, Jos. S. Collins, Jno. Wilson.—Enemies. Reference Sacket Reynolds, Randall, Jno. N. Moulder, Th. B. Reily, in short, to the Commissioner himself, also E. De Kraft.

War Department.—L. L. Van Kleeck, Jas. L. Edwards, Samuel J. Potts.—Refer to Dr. Mayo, Benjamin L. Beall, Maj. Glynn, Mr. Kendall, (as to V. K.)

Ordinance Office.—William Riddell, Reuben Burdine, (nullifier.)—Refer to Jno. N. Moulder, Edw. De Kraft, H. Gussaway.

(Endorsed,)

"T. B. R."

[April,—1833.]

But Kendall says he did not originate these proceedings! Suppose he did not, in the occult sense he may mean, for his lexicography can give equivocal meanings to every term in the English language; and, by the same rule, suppose the President himself did not originate them; suppose they originated, in their view, with the first spoils movement of his friends in the Senate, on a nomination to fill a vacancy on the bench of the Supreme Court, three months before his inauguration, as will presently appear—does it follow that he or Kendall are the less responsible for having entertained them, for having given them their countenance and support, till it was found that they had two edges, the sharpest of which cut their own party adherents the most severely? By the same rule might not the present Executive disclaim all responsibility for the Sub-Treasury monster, because it was the false conception of Gen. Gordon's brain, and had been wrapped in swaddling cloths, to give it shape, by accoucheur Gouge, a clerk in the Treasury Department, to recommend it for their adoption? Away with such cowardly evasions! Should that prove to be an abortion, will the Jacobin faction guillotine Mr. Gouge also?

But when, in the sequel, it became manifest that the President had suppressed this information on account of his own appointments being found more culpable than those whom party spirit had devoted for proscription; when he and his chosen deputies had in a thousand respects obstructed, perverted, and utterly confounded the public service, is there not some redeeming quality in those of his deluded partisans, who, discovering the mischiefs they have aided in placing him in the position to bring down upon his betrayed country, have promptly and fearlessly abjured their errors, and repudiated the faction he has reared up? Do they not deserve infinitely more credit for their honest efforts at atonement, than those others I might mention, who, from a previous knowledge and minute familiarity with his want of moral education, his utter destitution of statesmanly endowments, and the ungovernable impetuosity of his sordid passions, declared in his first canvass, that "the election of Andrew Jackson would be a curse to his country," but who, after his success, and

his administration had indeed become a pervading, a withering curse to the remotest corners of the Union, became his warmest advocates upon the whole-hog principle; and even profess to "sink or swim" with that "pustule of party," that "fungus of faction," that "incubus on the body politic," which he has adroitly managed to palm upon a too confiding people, for four dark and dreary years of crying calamity!

Long before my letter to President Jackson of the 3d October, 1836, above quoted, I had received abundant evidence to satisfy my mind that it was his settled determination to turn a DEAF EAR to all representations of the official delinquencies of his own appointees; and I had stumbled upon many reasons for entertaining such a surmise, even while the general bill of indictment was in preparation, which partly fortified me with the determination to hold them up as a mirror before his face, in the presence of his Cabinet, (one of whom, the Postmaster General, if not all the rest, was indirectly implicated, either personally or for neglect,) to challenge his firmness and integrity to apply reform to them, as well as to his opponents for opinion-sake. I will now give a few evidences of this connivance.

III. During the preparation of said indictment, I had presented to the President and the Secretary of War (who, with the rest of his colleagues, dared not act in such critical matters without the President's approbation) many *facts*, showing the imbecility and ignorance of the laws in the presiding officer in the Pension Office, which, had they been investigated, and the office immediately put under the management of a competent head, would in all probability have *prevented* the great temptations held out, thereby, to the cupidity of fraudulent adventurers, and consequently have saved the conflagration of the Treasury building, the notorious device subsequently resorted to to consume the evidences of those frauds, but, not succeeding in that object, terminated in the ignominious suicide of one of them, the absconding of others, and the conviction of many.

I regret that, for want of space, I cannot here enter into the particular statements. They purported, in part, to show that the applications for pensions had accumulated in the course of the summer and fall of 1832, to about 30,000,000 in number, without scarcely a dozen cases having been acted on by the head of the office; that the correspondence of the office, acknowledging the receipt of applications, was almost entirely neglected during that time, to the great annoyance of anxious claimants, thereby multiplying infinitely their letters of inquiry; that the business of the office, from those and other causes, was brought into a state of almost inextricable confusion, for the relief of which, and to bring up the lost time, the Secretary of War was under the *necessity*, on his return from a long absence, to *distribute* this great mass of pension claims, among some twenty or thirty persons, to be *briefed* and *stated*, preparatory to their adjudication, most of which persons were not endowed with the first idea of what constituted a BRIEF; and then, to *subdivide* the functions of the head of the office between five subordinates, to *adjudicate* the claims allotted to each, coming from five corresponding divisions of the Union. Thus were those thousands of perplexing,* and in many respects unintelligible claims, for the most part falsely and erroneously stated at hap-hazard by those blundering BRIEFERS, (who knew less of their new functions than a blind horse does of walking in a beaten track,) placed for adjudication into the hands of subordinates, with the dignified titles nevertheless of HEADS OF DIVISIONS,

* There can be no doubt on the minds of those who have paid any attention to federal legislation, that our pension system is the most intricate part of the whole, and that it requires more profound legal acumen to execute those laws than any which fall to the lot of other executive departments to put in practice. The testimony of the Secretary of the Navy, in relation to the navy pension laws alone, will bear me out in this remark, as applied to the whole pension system. In his last annual report the Secretary says:

"The multiplication of these laws, and the various constructions placed upon them at different times, seem to indicate the propriety of adopting a less complicated system. I would also take the occasion to state that, whatever disposition may be made of the subject, it has become necessary to relieve the head of the Department from the labor and responsibility of this portion of his duties."

"Almost every application for a pension involves the necessity of a close and critical examination of testimony, together with a reference to various laws, and the time required to do this as it ought to be done, materially interferes with other and indispensable avocations."

Now, it is obvious, at the bare suggestion, to every reflecting mind, that the heads of Departments and bureaus, who execute the laws, ought to possess the legal endowments necessary to discharge the highest judicial functions, and the more especially because their decisions are generally without appeal; but these endowments are only to be attained in the same way that eminent men qualify themselves for the bench. Mr. Edwards's total want of legal attainments, and the unfitness of his education to supply that defect by any course or duration of official routine of blunders and unavoidable wrong action from radical defect, is not peculiar to him, as a high executive officer; this deficiency has manifested itself in most of General Jackson's appointments, and forms a prominent part of that pervading curse which his and the present administration have inflicted on the country. Yet, the present Congress have transferred the navy pension laws to the additional charge of this officer, and, at the same time, have reduced his salary; whereas his compensation ought to have been increased, as his bodily and mental throes in blundering through his duties must be infinitely more fatiguing than would be the intellectual recreation to an able judicial head in discharging the same duties with unexceptionable propriety.

most of whom were utterly incompetent to detect the *errors* and *perversions* of the *briefs*. Whether it was a harder case for the Treasury, or for the sections of claimants whose heads of divisions were dunderheads,* I will not undertake to conjecture. But all this was con-

* One of these was a Mr. Ela, who, in this pressing conjuncture of business of the Pension Office, and while in the receipt of a salary of \$1,400 a year, actually hired his services to the Executive organ, the *Globe*, as reporter of the Congressional proceedings, necessarily absenting himself from the office the greater part of every day during the session. (Mr. Ela is now the disbursing agent of the Secretary of the Treasury.) Another was a Mr. Duffield, a youth, who proposed to charge perquisites on the pensioners whose claims were allowed in his division. It would be probably worthy of inquiry how many claims erroneously admitted have been since reversed, and how many erroneously rejected have been since admitted to the pension rolls. The following letter will give some illustration of many of the matters alluded to in the text:

WASHINGTON, February 28, 1833.

To his Excellency the PRESIDENT OF THE UNITED STATES.

"As this is the day for making the monthly payments to clerks and others employed in the Departments, were this communication to your excellency delayed a moment longer it might fail to save to the Government a large amount in *perquisites*, lavished upon clerks and others, bearing very much the appearance of authorized swindling. That which has been practised for several months past has probably gone beyond recovery. Were your excellency to require of Mr. Vankleeck, the pay clerk in the War Department, to suspend his payments to clerks and others for *extra services* until their accounts are presented to yourself or a commissioner for examination, you will have it in your power to see and arrest these *perquisites*, to a large amount, which clerks are receiving, in some instances greatly exceeding their fixed salaries, and contrary to the law which forbids such extra payments or compensations, except under the authority of specific and express appropriations.

"In similar cases of extra pressure of business, I believe it has been the usage of the General Post Office Department to require the clerks to increase their diligence, and work both late and early, in some cases before breakfast and beyond midnight, on the compensation of their fixed salaries; and, if they could not master it in this way, extra clerks were employed at fixed rates of compensation per month, but no *perquisites* given on any hand.

"Several clerks who were absent from the Pension Office a great part of the summer, had scarcely returned to their duty before they were making charges for *extra* work, erroneously authorized, and, in some instances, exceeding their salaries. Another detection in the abuse of patronage will be made by requiring the bills for this extra work at the Pension Office to be exhibited to you. One individual, if not more, who has been dismissed from office within the last four years, has been receiving this patronage to an amount that cannot fall short of thirty or forty dollars per day.

"But a still greater grievance to the Government in this matter is, that the extra work charged for by clerks has interfered with their official duties in other bureaus, from which they absent themselves at all hours to infest and besiege the Pension Office, seeking for, bringing, and carrying their work. Also, when *done*, the greater part of it has been so *perverted* and *falsified*, such as *denying facts* set forth in the declarations for pensions, and *asserting facts* which do not exist in the declarations, denying them to be properly authenticated, when they are so, and declaring them to be properly authenticated when they are *not* so, and even changing the *names* of the *declarants*, and otherwise perplexing the *briefs* with such multiplicity of perversions as to take up more time to correct and revise their work in the office than it would do to do it without such aid.

"Of these things I have felt myself in duty bound to give you some intimation, though it is far from covering the whole ground.

"With profound respect, I am your obedient servant,

"ROBERT MAYO."

"P. S. Commissioners to examine the pay clerk's books in all the Departments would, no doubt, lead to great detections, &c., in the improper direction of public patronage."

(*Indorsations on the back.*)

"Referred to the Secretary of War, that he may forthwith direct Mr. Robb, or some other *confidential* agent, to investigate, and make report on, the within charges to the P.

A. J."

"Mr. Robb will call upon Dr. Mayo and investigate these matters.

L. C."

It will be perceived that "*confidential*," (the favorite term of General Jackson,) used in the above endorsement, restricted the investigation pretended to be ordered, and so it turned out in fact; for, when I presented myself to Mr. Robb, to go into the investigation, he declined to hear any thing but what I "*personally knew*" in the various matters represented. He refused to hear other witnesses that I desired to have examined; and, as it was impossible that I could have "*personal knowledge*" of a tenth part of what was currently known to different individuals connected with the facts, I peremptorily refused to enter into so partial and secret an investigation, which was now likely to be turned into an engine of vengeance against me, without effecting the exposure I desired to make, and which the public interest called for. It will be seen, in the sequel, how this artifice of turning the batteries of test oaths upon honest reformers was carried out by the President in the committee of the House, in the session of 1836-37.

Whether any report was made on the above to the President I never learnt, but, if there was, it could not have been in any way disparaging to me: for, happening to have occasion, some time after, to call on the Secretary of State on business, the Secretary of War, in whose Department I was still a clerk, and engaged in the business he refers to, (of compiling the Pension Laws,) gave me a letter of introduction, of which the following is a copy, and which is, in itself, an ample refutation of any exceptions that could be attempted to be raised against me while in that Department. Had not the Secretary more reason to blink his real sentiments of Edwards, the favorite of Jackson and Eaton, than of myself, who would disdain to be the favorite of any one in power? Let those who understand these matters best, answer. There is yet another *secret enchantment* that has given Mr. Edwards the artificial character of a marvellous proper man with a certain class of pensioners and pension agents. It will be time enough yet to tell of this.

"WASHINGTON, May 2, 1833.

"MY DEAR SIR: Dr. Mayo will hand you this letter. Permit me to introduce him to you. You will find him a gentleman of scientific attainments, and of a very respectable character and standing. From the fact of an important business having been recently entrusted to him, I have been brought considerably in contact with him, and I have found him attentive, well informed, and capable.

"I am, dear sir, truly yours.

"HON. LOUIS McLANE."

"LEW. CASS.

sidered unavoidable from the necessity of the case; and the consolation generally expressed in the office and by the Secretary of War, under the full conviction of the evil, was, *that the errors could be corrected at leisure hereafter, when the accumulation of the business should be reduced by this process*—a process, I contended, on the contrary, which was calculated to make confusion doubly confounded; to throw doubt and suspicion upon the former adjudication, in every case, and to impose the necessity of re-examination and renewed action upon them, resulting in an enormous, perplexing increase, instead of a diminution of the business of the office: and I suggested, as a better alternative, to engage members of the bar in the District to do the *briefing* and to *adjudicate* the claims; and, in order to save clerical duty and give prompt answers to claimants, to have printed forms of letters acknowledging the receipt of their applications.

Among other matters thus represented to the President, I distinctly recollect handing to him a copy of a letter from James L. Edwards, the head of the Pension Office, addressed to John Robb, then *acting* Secretary of War, and dated in August, 1832. It purports to be an answer to an inquiry by Mr. Robb, relative to the *pension* of a Mr. Howard, claimed by a Mr. West, as *creditor* and *pension agent* of the pensioner, Howard. General Jackson put that letter in his pocket, with as entire unconcern as if it was nothing, after I had read it to him, and commented upon the law thereby grossly infringed. No doubt he was indignant when he afterwards found these matters pertinaciously (*contumaciously*, as he might think) introduced in the general bill of indictments, in which his own appointees found no favor or affection for their official delinquencies. That letter had been sent to Mr. West, and, by particular request, had been returned to the Pension Office, where it arrived, by good luck, pending the temporary absence of Mr. Edwards, and thus fell into the hands of the then chief clerk, B. L. Beall, Esq., acting in his stead, who showed it to A. G. Glynn and myself, then clerks in the office. With their approbation, I took a copy of it, for the Secretary of War, or the President, as the case might be, and they testified to it as a true copy. I did not consider my duty to the head of the office as superseding my duty to my country, but as co-ordinate with it; and that, so soon as he should become recreant to his trust, my duty to him ceased in that particular, and my duty to the President, and, finally, to the country, was to expose it. The subjoined extract embraces, word for word, the principal contents of that letter of Mr. Edwards to Mr. Robb:

"Such cases as Howard's frequently occur. There is no remedy now in the case but proceeding against him according to law. He has received all the money arising from his pension up to the 4th of March last. If, however, Mr. West will enter a caveat HERE, we will endeavor to stop the payment due in September. Mr. W. should send on his certificate, [meaning Howard's pension certificate.] accompanied by a statement of the facts, under oath, before the 1th of next month.

"(Signed)

J. L. EDWARDS."

Mr. Edwards says, "such cases as Howard's frequently occur!" The fair presumption, then, is, that he gives the same counsel to all such creditors of pensioners as report their claims to him, and desire to have the stipends of the pensioners stopped, to pay their debts. Now, there are but two remarks necessary to place this correspondence between Mr. Edwards and Mr. Robb in its true light before those who are otherwise uninformed on the subject. The first is, that neither the Secretary of War nor the Commissioner of Pensions has any legal right to interfere, in any manner whatever, with the payment of pensions, after the justice of the claims, and their amount, have been adjudged in the office, and the pension certificates made out and transmitted. Secondly, the payments of pensions are made, under the instructions of the Second Comptroller of the Treasury, by pension agents, to the pensioners themselves, or to their attorneys; but, whenever made to an attorney, said attorney is required by law to produce his power of attorney, and to make oath, before a magistrate, that he has no interest whatever in the pension he is empowered to receive by such power of attorney, for the benefit of the pensioner.

Subsequent to the above-mentioned occurrence, I met with Mr. Howard in this city, and, upon the subject of his hardships with the Pension Office being introduced in conversation, I showed him a copy of the foregoing extract which I had retained in my possession; he then placed in my hands the following letter, which convicts the office and the acting Secretary of War of an *interference* which they knew was a violation of law; and which put the pensioner under the necessity of petitioning the Secretary of War for the issue of another pension certificate, as will appear by the subjoined extract from his memorial, a copy of which he also handed to me at the same time, for such use as I might see fit to make of them. It will be seen by this letter to Mr. Howard, that Mr. West did comply with the advice of Mr. Edwards and Mr. Robb, to send the pension certificate to the office, probably with the caveat, "to stop the payment due Howard the 4th September." Self-conviction is the best evidence of wilful wrong, knowing it to be so.

WAR DEPARTMENT,
PENSION OFFICE, September 12, 1832

SIR: Your letter to the acting Secretary of War has been received. I am desired by him to say to you, that this Department cannot interfere in the private concerns of any individual whatever. The pension certificate issued in your name, and deposited here by Mr. West of Baltimore, has been returned to him.

Very respectfully, your obedient servant,

WILLIAM R. PALMER, for J. L. EDWARDS.

MR. GEORGE W. HOWARD, *present*.

To the Hon. LEWIS CASS, *Secretary of War*:

The memorial of Geo. W. Howard, an invalid pensioner of the United States, respectfully sheweth.

Your memorialist begs your indulgence, sir, while he briefly states some circumstances more immediately connected with the present case. That, in 1830, Congress was pleased to increase his pension to \$14 per month; that, his pension being made payable in Baltimore, and his residence being in Washington, he found it advisable to appoint an agent there, in the person of Mr. West, tailor, who has collected the same semi-annually for the last four years, to March, 1832; that, in the performance of his agency, this man has from time to time injuriously speculated upon the necessities of your memorialist by over-charges, and in purchasing up his debts, due to third persons, and in detaining the said amounts out of his small pension; and further, in causing him to be arrested last April while in his store in Baltimore, and detained in duress until he was forced to renew two obligations for \$50, from the payment of which he had been but lately absolved by the insolvent laws of the District of Columbia. That the said West has made several personal and written statements to the acting Secretary, Mr. Robb, and to Mr. Edwards, of whose friendship towards him he boastingly speaks, in his letters to your memorialist of the 4th and 17th instants; that he still holds the certificate, and refuses to deliver up the same except upon conditions of extreme injustice, such as your memorialist could never submit to.

Under all the circumstances of the case, your memorialist respectfully requests that a renewal of the original certificate may be granted, as no inconvenience whatever can possibly arise to the Government agents here by so doing, the detention of the certificate by West being known to them, and matter of record in the Pension office.

GEO. W. HOWARD.

As some evidence that the Secretary of War, General Cass, took no exception to my representations of these matters, either anterior to the general bill of indictments, or in connexion with it, and that his good opinion of me underwent no diminution on that account, and, as a further proof of his anxious efforts to do all he dared do to remedy the evils incident to the office, he assigned to me, in the spring following, the trust of compiling the pension laws, the opinions of Attorney Generals thereon, and the rules and regulations of the Pension Office, for the use of the Department.—See note, page 36.

Some time after the above transactions, while the President and the Secretary of War were absent from Washington on a visit to the East, I was dismissed from the Pension Office, along with two other temporary clerks, by Edwards and Robb, (the latter again acting as Secretary of War) they alleging as a pretext for so doing, that the business of the office had so diminished as to leave nothing for me to do: which, in my remonstrances to the President, on his return to Washington the July following, I proved to be untrue and insincerely alleged, by reference to the work in arrear, and the subsequent increase of appointments in the office. Notwithstanding the proofs I adduced, the President evaded all inquiry into the facts, by permitting them to repeat the assertion that there was nothing for us to do, endorsing my papers to that effect, and returned them to me, thus:

“Dr. Robert Mayo—about his dismissal from office. The acting Secretary of War being sent for, reports that there is no duty for those clerks to perform in the Pension Office; therefore, their further service dispensed with. Dr. Mayo continued ten days to complete the index, &c., &c. A. J.”

The injustice of this partial course struck me so forcibly, that I was induced to resubmit the case to the President, with further evidence of the disingenuousness of the action upon me, showing that it proceeded from personal resentment in derogation to the good of the public service, and to ask him to reconsider his decision; upon which he again made this endorsement, “Acting Secretary of War reports ‘no duty for those clerks to perform,’ therefore, their further services not wanted.—A. J.” Yet, one of those clerks was presently reinstated in the Pension Office, and the other transferred to another Department, making the action unequivocally personal to me. Upon conversing with the President again on the subject, he excused himself for not replacing me, by saying that were he to do so he would have to dismiss Mr. Edwards.

Further details of this case must be deferred to another occasion for want of room. But before dismissing it, I must remark, that it affords another proof that the President had adopted a temporizing course between his delinquent friends in office, and those others who, either from a sense of public duty, or because they had a soul to be saved, could not, conscientiously, be cognizant of unofficerly conduct and connive at it, without feeling that they were *particeps criminis* in the same; and that he would even permit the latter to go to the wall for the time being; though, in the sequel, he would show by his acts, that they had not forfeited his impartial approbation, if he could only prevail on them to permit the most heinous offences against the public service to pass before their eyes unnoticed, but by “blinking them.”

IV. I cannot, however, forego the statement of another case here, as it affords a direct confirmation of this view of the double malign policy of Jackson's Administration.

A month or two after incurring the resentment of the chuckle-head of the Pension Office, I was referred by the President to the bacchanalian head of the General Land Office, Elijah Hayward, for temporary employment there; thus, as it were, endeavoring to make me a time-server every where, as such was the temporary nature of my employment in every instance. This reference was gratifying to me nevertheless, (the time-serving apart) as were all the subsequent instances of the sort, because they afforded unequivocal evidence that my dismissals by the offended dignitaries of bureaus (though of the same Jackson school I then professed) were not *for cause* impugning my official conduct and fidelity. I had been but little more than a month in the Land Office, associated with a Mr. Jordan, also a new appointment, when I discovered that the business which had been carved out for us, was *illegal, impracticable, and nugatory*—being no other than to make a new arrangement of all the "title papers" of the Office, according to the fanciful notion of the commissioner, conceived possibly in a moment, or rather a seizure, of inebriety—the former arrangement being a most admirable one, according to land districts, and consecutive as to dates and numbers. It occurred to me that this fools-errand probably originated in a good natured disposition to give Jordan and myself our bread, without disturbing the legitimate patronage of the office already disposed of to other favorites, reckless of the cost to the Government in paying us to undo that which was already better done, regardless of the inconvenience to those in the office who had to consult these title papers, they being already familiar with the old arrangement, and would never be able to penetrate the mazy confusion of the new, could it ever be accomplished; the utter impossibility of which was afterwards established by Hayward himself abandoning the enterprise after tumbling and shuffling half through the files of one land district, as I have been informed, and leaving them in that anomalous condition which is a practical commentary on the imbecility of a *drunken reformer*. While I was making out a report to the Commissioner, in order to exhibit to his "*sober second thoughts*" the true character of this employment, and to ask of him to be detailed to some other function, another circumstance occurred, which increased the offensiveness of it, and totally disgusted me with the Commissioner. It was, the introduction of one of the most notorious drunkards in the community, William Sinn, to work cheek by jole with me, on the same business. He was incompetent to do the work in any passable manner from habitual inebriation; he would have measurably to be my pupil in it; and I totally repudiated both the business and the association, as I would have objected to Hayward himself, had I been subjected to such close personal association in office with him.

This led to a long series of negotiations for other employment in the office, in which there was no good feeling manifested on either side, and which resulted in a representation from me to the President, on the 4th February, 1834, detailing, among various reprehensible acts of the Commissioner, certain other abuses in the disbursements of the contingent appropriations for bringing up the arrears of the office, for which William Steuben Smith was the agent, as he was also for the disbursement of all the other appropriations for the Land Office at the seat of Government. Among other things connected with the improper disbursement of those contingent appropriations, out of which I had been paid, and which I had had occasion to examine, in order to ascertain all the circumstances connected with an injustice that had been done me, I discovered, and represented to the President, from the vouchers of the agent, and the final settlement of his accounts for the year 1833, at the First Comptroller's office, that Smith was at that time debtor to the United States in a considerable sum drawn from the Treasury, and remaining in his hands undisbursed upon the objects of the appropriations. And I remarked, upon the various irregularities represented, that "this mode of abusing the expenditures of contingent appropriations would, no doubt, be apparent on the face of every quarter's accounts of the Land Office."

I have thus narrowed down those representations against the Commissioner, to the matter of the agent's indebtedness to the Government, to show, by the way side, that the subsequent defalcation of this same agent, for about \$12,000, in 1837, would in all probability have been prevented, had the President ordered an investigation of the various matters set forth. It did not occur to me, at the time, that the surplus in the hands of the disbursing officer at the end of the year was the nucleus of a future defalcation, but to picture, in strong relief, another irregularity, which was, that the Commissioner had been representing to the President, some months before, that these appropriations for extra clerk hire were exhausted, and that he had negotiated with the Metropolis Bank, through this same disbursing agent, for funds to pay those already employed, while there was actually

a surplus on hand at the end of the year notwithstanding the great irregularities in their disbursement. It now turns out, however, that the surplus drawn from the Treasury by Mr. Smith, on the appropriations for extra clerks alone, and which remained in his hands undischursed, went on geometrically increasing from 1833 to 1837; thus: William S. Smith, balance to the United States at the end of 1833, \$492 30; ditto, 1834, \$935 70; ditto, 1835, \$2,613 03; ditto, 1836, \$4,322 48.

Yet, so wilfully deaf was Gen. Jackson to these statements of the mal-administration of the Land Office, and to shut my mouth in relation to official delinquencies in future, that, while he had this case under consideration, he sent me an open note, addressed to Judge Hayward, to replace me in the Land Office, at the same time stating in the note an absolute and unmitigated falsehood, which I considered as an insult, if not an overture of humiliation and debasement for the poor pittance of office. I immediately called on the President's private Secretary, who had delivered it to the person who handed it to me, and remonstrated in the strongest terms against the indignity, denying that I had ever made any such promise as that alleged in the note; that if I could not have office upon honorable terms I would have none; that my oath of office sufficiently designated my line of duty—to be faithful to the business committed to my charge, and to support the constitution—and I may now add, that every man may be justly regarded as an accomplice in its overthrow who witnesses official malfeasances without proclaiming them, as such growing evils *unchecked*, are among the surest means of its ultimate destruction. Major Donelson told me that Judge Hayward had participated in indicting or indicating the note. I called on Hayward in his office and upbraided him with it. He requested to have the note, which I refused to deliver, it having been sent to me *open*, for my sanction by delivering it to him. I told him it was of course left to my option, or I claimed it as such, and before I would deliver it I would have every limb stricken from my body; that I would hold it as my rightful property, to denounce it at the peril of my life. I exhibited it to Mr. Speaker Stevenson, to the Hon. John Y. Mason, to the Secretary of War, Gen. Cass, and to several others, strongly expressing my sentiments of its foul character, to which not one gave utterance of a dissentient or even mitigating opinion. It will be seen that General Jackson also speaks of my *distress*. This, I have every reason to believe, was the superfetation of haughty insolence, rather than the supererogation of ill-timed sympathy. Thank God no physical distress has ever yet reached that moral independence which I hope my ever unsubdued sense of propriety will continue to dictate! Here is the note, a fac simile of which I shall have lithographed hereafter:

The President to Judge Hayward.

"Judge Hayward, by giving Dr. Mayo employ as a clerk, will fully meet my approbation; he is in *distress*, and assures me he will faithfully attend to his duties, and with diligence, INTERFERING WITH NONE IN THE OFFICE.

12th MARCH, 1834.

ANDREW JACKSON."

"Some time after this, the President returned me those statements against the Commissioner, in part, with a new envelope bearing the following endorsement—probably my original envelope was retained with the statements not returned—

"Dr. Mayo: real injuries, the Executive has power in his Executive Departments to redress—not imaginary wrongs. A. J."

I concluded, at the time, that the above recited occurrence would put an end to all intercourse between myself and the President, as it accordingly did, to the best of my recollection, until the adjournment of Congress, four months thereafter; when, as I have before stated, he hailed me at the east front of the Capitol, on taking his seat in his carriage, and desired me come to the mansion the next morning, to refer me to the Secretary of State, Mr. Forsyth, for the appointment to fill the place of Alexander McIntyre, removed from the chief clerkship of the Patent office. This was entirely unexpected to me, as I had made no application of the sort, and had no intimation from any quarter, of an intention to turn out McIntyre—a measure of proscription taken, as I am informed, without previous *notice*, without intimation of *cause*, and of course without a *hearing*, those *boasted* indispensable preliminaries of equal justice, so fully quoted in the foregoing affidavit, but uniformly set aside by his rule of practice, worse indeed than the jacobin rule of granting the forms at least of a mock trial, before the application of the guillotine. I have no doubt, however, that the cause of this visitation upon McIntyre was found embodied in the representations of some of the contributors to the general bill of indictments, which the President had denounced in mass, but which he had probably laid on the shelf for his action in detail, to suit that taste for proscription towards his political opponents, which had been marred for the time by the implication of his political friends.

My short career in that office was as eventful and exciting as it had been elsewhere, and resulted in the dismissal of its head and myself in less than six months, as had been predicted; but this was followed by reinstating me shortly after, which I had a right to consider as my justification; and where I continued in the most perfect harmony with Doctor Craig's estimable successor, J. C. Pickett, Esq., until his second appointment to a foreign mission, and the reorganization of the Patent office took place in order to pay an "Executive political debt to the State of Connecticut" by the appointment, and increase of salary, of the present incumbent, whose official delinquencies and unfitness for the station soon suggested to him the measure of prudence, to dispense with my presence. These also will be fruitful subjects for a future narrative. My next and last location was as sole clerk in a temporary bureau in the War Department, in October, 1836, as already stated, and which, in an eminent degree, under all the circumstances, I had a right to cherish and esteem as my full justification, from beginning to end, the appointment being made within ten days after my letter of the 3d October, 1836, to Gen. Jackson, already quoted.

V. Let us now suppose, as may be perceived by the foregoing abstracts, that from the commencement of Jackson's administration, I too (but without contemplating in the slightest degree a disparagement of the public service as will presently be seen) chimed in with the doctrine of "rotation in office," a doctrine cherished by the followers of Jackson's footsteps to this day; let us suppose that I too concurred in the political heresy that "the spoils of victory belong to the victors." Might I not then ask, if not triumphantly in my justification, at least as my apology, where was there to be found *one* Jackson man in a *hundred* who would have uttered the first reproof, at that time, against those doctrines? Were they not "the very errors of the moon" which characterised the mad career of the Jackson era throughout?

Yes, whether it be necessary or not, I will bear testimony against myself, (and I invoke you other deluded Jackson men to do likewise,) that in accordance with those sentiments, I warmly advocated the establishment of the *Globe* in 1830-'31, and set on foot a contribution of loans for that object; that I assisted Amos Kendall in its editorial superintendence, early in 1831, while its editor was on a visit to New York to procure a steam-press; and that, in 1833, I assisted in procuring the edict of the President which he addressed to all the Executive Departments requiring them to bestow their printing patronage on the editor of the *Globe*, whose letter I bore to the President in the spring of that year, demanding it as a right of the Executive to concentrate the emoluments of its patronage on its own organ, while the legislative branches of the Government bestowed theirs upon the *National Intelligencer*, and other partisans of the opposition. [But fair play is a jewel, and I never dreamt of his claiming, as now, a monopoly of the patronage of both the Legislative and Executive Departments of the Government.] Moreover, in unison with the mania of the day, I had proposed, in the Hickory Club Association in 1832, in effect a *resolution*, "that the members of the Club would confine their dealings among the friends of the administration." But that proposition, indeed, was made more with a view to bring the doctrine of proscription, for opinion-sake, to a practical extreme, to see what could be made of it, rather than from any expectation or desire that it *would or could* be carried into effect; for, it is a fact that must be well known to many citizens of Washington, that my own little dealings, however unfortunate as yet some of them have resulted, were made without discrimination of party, and were for the most part with political opponents, from convenience and personal preference, regardless of political opinions. On the other hand, I also introduced about the same time, in the same Association, another *resolution*, "that, while this Club view with approbation the proposed *reform* of public officers for the vices of *peculation, intemperance, immorality, imbecility, neglect* of public duty, and *defection* to the *principles of our republican institutions*, [such were the political opinions I thought objectionable, and the objection now applies more strongly to the false reformists than it ever did to the proscribed,] *it is especially incumbent on Jackson republicans, who hold, or desire to hold office, to be able to present clean bills of officer-like conduct and qualifications of their own*; and that we view the want of these commendations, or any of them, to be as disqualifying to professing Jackson men, as to our political opponents, in the advancement of the public service, and ought equally to exclude them from public trust." But both of these resolutions were almost unanimously rejected; whereas the latter ought to have been as unanimously adopted, while the rejection of the former should have opened the eyes of every man to the practical injustice of the doctrines of the spoilsmen.

VI. If any one doubts at the present day, that these doctrines (of which the former is but the convenient accessory to the latter) characterised the Jackson era from beginning to end, let him accompany me in a cursory survey of their incipient symptoms, with their subse-

quent wide-spread contagion, and he will doubt no longer. From a summary of the facts, brought together so as to show their connexion and bearing, otherwise obscured by an isolated view of them dispersed through the separate periods in which they occurred, it will be manifest that General Jackson's purpose of REFORM promised at his inauguration, in conformity with the declared object of his election, was either *insincere from the first*, or was *very soon abandoned*, and substituted by a general system of malversation of the most flagitious character—nothing less than *the converting the executive patronage into a great CAPITAL-IN-TRADE for POLITICAL GAMBLING*, commenced under the edict that he would punish his enemies and reward his friends, and carried into practice under the professions that rotation in office was a salutary renovation of official accountability, and that the spoils of victory rightfully belong to the victors, regardless of demerit, or infidelity to the public service; that, in order to protect his friends in the enjoyment of these precious fruits, won by his demon of party spirit, he not only turned a deaf ear to all complaints of their malconduct, but freely brandished the hundred tongues of executive calumny against those who urged the investigation of the frauds, the defalcations, and other delinquencies of his official parasites. Viewing the facts under this aspect of their real connexion and bearing, there need be no surprise at the moral turpitude of his conduct towards hundreds of persecuted individuals, his treachery to public confidence, and general sacrifice of the public weal and the good of the service, to factious and sinister party ends. In his inaugural address he uttered, with appropriate emphasis, this memorable and oft-quoted passage :

“The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, *the task of reform*; which will require, *particularly*, the correction of those abuses that have brought the *patronage* of the Federal Government into *conflict* with the *freedom of elections*, and the counteraction of *those causes* which have disturbed the *rightful course of appointment*, and have *placed, or continued, power in UNFAITHFUL or INCOMPETENT HANDS.*”

But there is also a favorite axiom adopted by General Jackson, that “the tree is known by its fruit.” Accordingly, notwithstanding the chart laid down by himself in his inaugural for his future guidance, the first act of his executive power was to dismiss the *faithful and competent* Secretaries he found at the head of all the Executive Departments, also the Attorney General, the Postmaster General, and nearly all the heads of bureaux—with a general recall of our foreign ministers—and a removal of the principal officers of the revenue—also district attorneys, marshals, &c.; whose places he supplied, in many respects, by “unfaithful or incompetent hands,” who, in their turn, dismissed many of their principal clerks and deputies, in pursuance of the implied instructions of their great *ir-RESPONSIBLE CHIEFTAIN*.

To this general description of his appointments there were exceptions, as possessing both *ability and fidelity*, and who declined following the implied instructions to turn out their subordinates—for which refractory and contumacious rebellion *against* the “demon of party spirit,” that voracious blood-hound of the spoils, they have never been pardoned; but have been reviled and persecuted, in various forms, by the proscriptionists of the Kendall stamp, down to the present day.

To aid the President and his chosen lieutenants, the heads of departments, and their deputies in the bureaux, to complete this work of proscription at the outset, disingenuously substituted for reform, he was furnished by some of his coadjutors with a list of all the officers in the departments, most of them *marked for the guillotine on political grounds!* The Postmaster General, Mr. McLean, being a political friend of the President, would have been an exception to the general sweep in the first instance, and have been retained, had he consented to the purposes of the above-mentioned list, as it applied to his department; but being resolved to incur dismissal rather than disgrace his department with it, he was transferred out of the way, to a vacancy on the bench of the Supreme Court, and his place given to one who would comply, and who shortly after bankrupted the Department. [By the by, this *vacancy* on the bench had been reserved more than four months before, through one entire session of the court, as a political “*spoil*” for General Jackson's disposal, by his party friends in the Senate rejecting a nomination previously made by his predecessor to fill it.*] In fact, so generally was the sinister purpose of all the professions

* The above is in allusion to an extract from the journals of the Senate, which I find in an eloquent speech of the Hon. C. Cushing, of Massachusetts, addressed to his constituents in Lowell, August 22, 1837. That act of the Senate shows the early origin, though comparatively small beginning, of party corruption in appropriating to themselves the “spoils” of victory. It shows how unguardedly, inconsiderately, eminent men may give into a thing *wrong in principle*, but reconciled to it by its partial and limited operation at the time, which they themselves, or most of them, afterwards viewed with so much abhorrence, when its full

of reform understood by many of General Jackson's partisans at a distance, who had assisted with their might and main to place the immense executive patronage in his hands,

grown enmity had overspread the land with calamities and moral debasement that will require the administrations of more than a dozen Washingtons, successively, to heal and reclaim. As a strong evidence of the unconsciousness of some of these gentlemen, of the mischievous example they were establishing, among those who gave the pernicious vote in question, is recorded the name of Louis McLane, the distinguished son of Col. McLane of Delaware, who was identified, as collector of the customs at Wilmington, with Mr. Jefferson's repudiation of the spoils doctrine, upon its first suggestion, on the eve of his election, in 1801. Mr. Cushing was reminded of that party action of the Senate by the train of disastrous events that had progressively grown out of that spoils policy carried to lawless extremities, which he had been commenting upon, and which I will quote in part here, in the same order he gave it, before noticing the Senate's proceeding, as showing the connexion between great events and their small remote causes. Speaking of the pernicious Executive project, misnamed sub-Treasury, Mr. Cushing, at page 6 of his speech, says:

"Gentlemen, if this plan should be adopted by Congress, its consequences will, in my apprehension, be altogether disastrous; and I venture to trespass on your indulgence a few moments longer, while I touch upon some of the objections to the plan which occur to my mind.

"It would be a palpable dereliction of the duty of the Federal Government. It supposes the banks to be abandoned to their fate, the currency abandoned, the people abandoned. Can the twenty-eight States and Territories regulate the currency? Impossible. You might as well think to give up the customs to the States, and hope to see them agree on the duties to be imposed on imported merchandise. It is just the old question between the Confederation and the Union. The Federal Government, and that alone, has power to regulate commerce and the currency, so as to give equality and uniformity to the medium of exchange in all parts of the United States; and it is the bounden duty of the Federal Government to exert its powers in this respect.

"This gross abandonment of the duty of the Federal Government is sought to be glossed over by a plausible watchword or party cry—the separation, as it is called, of bank and State. I think, with Mr. James Garland, of Virginia, that this idea is more plausible than sound; or rather, it is a mere catchword for the ear, totally devoid of sense or sound meaning. You mean to separate bank and State, and leave the currency to shift for itself. Very well; why not separate court and State, and leave the administration of justice to shift for itself? Or law and State, and leave the law to make itself? Or court and State, and leave the duties to be regulated without the care of the Federal Government? There would be as much sense and reason in one as in the other.

"It would vastly augment the power of the Executive. To use an expression, which I see applied to it in the New York Times, it reeks with despotism. Who shall undertake to describe the added power which it would give to one man? The multitude of new offices and officers, the new salaries, the pensioned partisans, which this cockatrice's egg of perdition will hatch, if it be not promptly crushed under foot by you, the people, whose welfare and liberty it menaces! Should this plan take effect, the Executive will have inconceivable facilities of corruption and abuse, in the permanent use, for that purpose, of all the resources of the Treasury. It may be a separation of bank and State; but it is a perpetual union of the purse and the sword in the hands of the President.

"The public moneys would be unsafe. How many cases of defalcation, think you, there have been in the Past Office during the last eight years? The number of defaulters (sureties included) counts in thousands. If these men had been intrusted with millions of money, instead of hundreds each, would they have rendered a better account of it? Again: how are the individuals to be intrusted with the millions of public revenue to give security for its safe keeping? How many men are there in Massachusetts, or any other of the States, able to give security to the amount of millions? How many of such men would be willing to become bound as surety for such vast amounts? Again: the Government deposits its money now in the hands of companies or persons called banks, who together possess capital enough to respond to the requisite amount of the millions deposited. Will individuals, if there be any having such large capitals of their own, wish to become deputy postmasters and collectors? Again: which is the best security, three men associated as a collector and his sureties, or three hundred, associated as a bank? Finally, where do individuals who have large sums of money on hand, go for a place of deposit? To individuals or to banks? The conduct which every man of sense pursues in his own affairs, denigrates the absurdity of this new experiment.

"It is impracticable, in a country like ours, to have one medium for the Government and another for the people; an appreciated currency for the use of the privileged order of office holders, and a depreciated currency for the people at large. The undertaking would produce insurrection in monarchies; it would produce a political revolution here.

"While for so many reasons the scheme would be unwise and unjust, it is eminently impolitic in reference to the existing state of parties. The new House of Representatives will be all but equally divided, between opposition and administration members. Add to which, the friends of the administration in the Senate and the House are divided from each other. Some of them are for clinging desperately to the old hunting scene for getting up a new one. Others, more wise or more patriotic, wish to stay the progress of destruction while they have power, and before the demon of radicalism, which by their fluctuations has been exiled from the abyss, shall turn and rend the master necromancer as well as his followers. If the President of the United States were here before me, I would exhort him to beware how he enters upon this new project of mischief, which, while it afflicts and disgraces the country, must eventuate in the DOWNFALL OF HIS PARTY AND HIS FRIENDS.

"In General Jackson's unsparing denunciation of the pet banks, composed for the chief part of his own zealous partisans and followers in the overthrow of the United States Bank, there seems to be a kind of visitation of Providence upon those, who, since by their active agency, others by their willing co-operation, have contributed to bring on the train of disasters of which the suspension of specie payments is the consummation. The fact is remarkable in itself; but I became casually acquainted, some time since, with a still more striking series of events of the same nature. Let me pluck a leaf from the unwritten history of the time.

"In the executive journals of the Senate of the United States will be found, under the proper dates, the following items:

"On the 18th day of December, 1828, there came to the Senate a message from the President, under date of the day before, containing the following words:

"I nominate John J. Crittenden, of Kentucky, to be a judge of the Supreme Court of the United States."

—JOHN QUINCY ADAMS.

"This nomination was referred to the Committee on the Judiciary, which reported:

"That it is not expedient to act upon the nomination of John J. Crittenden, as a Justice of the Supreme Court of the United States, during the present session of Congress."

that they made a *general rush* to Washington from all quarters of the Union, ostensibly to celebrate the inauguration, but in reality to be in at the brush, to claim their *share* in the distribution of the "*spoils*" *they felt they had won!*

Such is an imperfect outline of the mock reform—its progress and character in its *first stage*, as it existed when I took up my residence in Washington in 1830, and of which I knew less, probably, than a thousand others who participated in the *ceremony* and the *fruits* of that ill-omened inauguration, in neither of which did I, or have I ever participated, except in the bitterest of the latter.

VII. A summary of what followed after my arrival, and in which I did participate, we have already seen, except an abstract of the *origin*, the *objects*, and the *explosion* of the Hickory Club, a particular account of which must await an occasion of more ample space than I can devote to it here. I may briefly state, however, that said association was formed with the knowledge and tacit approbation of General Jackson, as was afterwards freely expressed in his letter of thanks to the managers of the Club festival of the 5th December, 1832, and reported in the *Globe* a few days thereafter; that it *originated* in Amos Kendall, and embraced nearly the same individuals who formed the committee that participated in the aforesaid memorial and sequel, though far more extended in numbers, having exceeded one hundred before it was dissolved; that its *objects* were generally supposed, among the members, to be the same as those of the aforesaid committee, that is, to aid in the projects of a salutary reform in the public offices, and to advocate the second election of General Jackson, then approaching, and that of Martin Van Buren as his successor; but the complicated purposes of this central machinery thus intended to be put into operation, and the most mischievous parts of them were held in reserve, in the breast of the prime instigator, to be developed from time to time, in public addresses, in the name and at the expense of the club, as they should be prepared by this man of all-work himself. The first of these publications, widely disseminated through the columns of the *Globe* and in pamphlet form, gave the first additional intimation of its reserved objects, in a violent attack on the United States Bank and its friends in Congress. The next outgiving was that of the malign and revolutionary object of destroying all our institutions, State and Federal, with the obvious ulterior views to spoliation and plunder, secretly cherished by that "*clandestine*" and irresponsible adviser of the President," as proclaimed in his address at the Hickory Club festival of rejoicing for the result of the election that had just taken place, which I have already quoted in part in a note at page 23. But the disorderly and riotous termination of that festival resulted in an entire *explosion* of that association, and of course gave a temporary check to its operations, as such; though I understand its purposes have been again revived in another club, under the denomination of the "Democratic Association of the District of Columbia," the principal members of which are in the employment of Amos Kendall.

"This report was debated on successive days in the Senate, and was finally adopted on the 12th of February, 1839.

"Those who voted in the affirmative are—Messrs. Barnard, *Benton*, *Berrien*, *Branch*, Chandler, *Dickerson*, Dudley, *Eaton*, Hayne, Iredell, Kane, *McKinley*, *McLane*, Prince, Ridgely, Rowan, Sanford, Smith of South Carolina, Tazewell, Thomas, White, *Woodbury*—23.

"Those who voted in the negative are—Messrs. Bell, Bouligny, Burnet, Champers, Chase, Foot, Holmes, Johnson of Louisiana, Knight, Marks, Noble, Robbins, Ruggles, Seymour, Silsbee, Webster, Willey—17."

"Gentlemen, this may seem, at first blush, to be a very dry detail of names. But, think of it again; couple the names with the fact, and reflect on what has transpired in their history since, and you will see that every word of that record is instinct with a thousand memories. That vote, by which the nomination of John J. Crittenden was virtually rejected, is one of the most memorable in the annals of our country. Its object was to keep *vacant* the office of judge, and, by parity of reasoning, *all other offices*, for PARTISANS OF THE COMING ADMINISTRATION. The debate, which ended in that vote, occurred in the secret chamber of executive session; but it was then and there, in and by this vote of the Senate, that the *SPOILS DOCTRINE* *was introduced into the practices of the Government*. And mark well the result. Think over the names I have read to you. Where are now the men who constituted that majority of twenty-three? Some of them have utterly vanished from public affairs. They have sunk into such absolute forgetfulness, that you can scarce find them in our political history. They have been *crushed*, *destroyed*, *annihilated*, BY THE JUGGERNAUT OF PARTY, *which they themselves rolled in upon the prostrate country*. Others, more manly in spirit, or more uncompromising in their hatred of misrule, are at this hour, in the country, and in Congress, among the leaders and rallying points of the opposition.

"Gentlemen, this fact is a deeply impressive lesson to all of us. It is full of admonition to every public man, to beware how he sacrifices *principle* to *party*. It may serve to warn those confident men in the Senate and the House of Representatives, who are for hurrying us into the "*untried expedient*"—the new nostrum of political quackery—*of the destiny in reserve for THEM*."

Now it would be quite superfluous for me to add here, *in order to give a deeper tint to this outrage*, that the well-known range of John J. Crittenden's legal endowments, as well as public and private character, (if not superior), is *certainly not inferior* to that of any one of the numerous appointments that have since been made by General Jackson, to fill vacancies in the Supreme Court, viz: Taney, Barbour, Baldwin, McLean, McKinley, Wayne, Catron.

* See additional note at end of supplement.

An exposition, in detail, of the other matters here glanced at must also be deferred for the second part of "Eight Years in Washington, showing the identity of Jacksonism and Jacobinism," if I should ever be so fortunate as to get it through the press, where it has been foundered for more than three months past for want of funds to expedite it, as announced by letter of the 3d December last, from my very worthy friend, Mr. J. D. Toy of Baltimore, saying "the money has come in dribbles, and so far between, that there was little encouragement to push the work out as you wished;" and shortly after he stopped altogether, nor could I complain. This is one of the bitter fruits of Mr. Poinsett's dexterity at cutting my sinews of war: had he as much *skill* in military tactics as *alacrity* to do the dirty work of party servility, the country would be more benefited by the appropriations made for the payment of his \$6,000 salary, and the disbursements of \$25,000,000 for Indian hostilities! But I promise him and his cabal that I shall yet be indefatigable in spirit, though broken down in purse.

VIII. It will now be speedily seen that the *peccadilloes*, in comparison, with which I was continually combatting at the very portals of every office I entered, were but straggling samples of the official abominations that revelled on the vital functions in the interior and more secret recesses of the Executive Departments.

So early did the fruits of mal-administration begin to attract public attention, particularly towards the Post Office Department, that a committee of the Senate (consisting of Mr. Clayton, Mr. Holmes, Mr. Hendricks, Mr. Grundy, and Mr. Woodbury) was appointed in pursuance of a *resolution* of the 15th December, 1830—

"To examine and report the present condition of the Post Office Department; in what manner the laws regulating the Department are administered; the distribution of labor; the number of clerks, and the duties assigned to each; the number of agents, where and how employed; the compensation of contractors; and, generally, the entire management of the Department; and whether further, and what, legal provisions are necessary to secure the proper administration of its affairs."

The most remarkable circumstances developed by the journal of proceedings of this committee are—

1st. The insuperable difficulties thrown in the way of its proposed investigations by the party objections made by those members of it who were the apologists and party defenders of the department, as in duty bound, right or wrong.

Examples.—"February 1, 1831—Present, all the members. Mr. Holmes desired to have Abraham Bradley, a witness summoned in obedience to an order of the committee, sworn. Mr. Woodbury objected to *swear* and *examine* the witness at all, until some explanation is given of the *object* of his inquiries, &c. Mr. Holmes then proposed to examine the witness: first, by asking him the following question: "How long were you Assistant Postmaster General, and what were the duties assigned you in the Department?" The faithful Messrs. Grundy and Woodbury saw *objections* to this question; but Mr. Hendricks, who did not then "go the whole hog," voted with Mr. Clayton and Mr. Holmes; so the question was put, and answered. "Mr. Holmes then proposed the following question:" (when the party polarity of Mr. Hendricks became true to the Jackson compass,) "Were you removed from your office, and when, and, if you know, for what cause or causes?" "Mr. Grundy objected to the question." "Mr. Hendricks moved to adjourn, and the committee adjourned. Yeas—Messrs. Grundy, Hendricks, and Woodbury. Nays—Messrs. Holmes and Clayton." Again:

"February 4th. The committee met. Present—Messrs. Clayton, Grundy, Holmes, and Woodbury," (Hendricks absent.) "Mr. Clayton presented the following resolution, and asked its adoption: *Resolved*, That Joseph W. Hand, Solicitor of the Post Office Department, be requested to attend the committee with the *book* showing what balances of accounts have been collected, and to give information as to the *actual state* of the available funds of the Department." "Mr. Grundy *objected* to the resolution, and moved to amend it so that it should read as follows: *Resolved*, That the Postmaster General be requested to inform the committee what *balances* of accounts have been collected, and to give information as to the *actual state* of the available funds of the Department." "After debate, the amendment was lost: Grundy and Woodbury voting for it, Clayton and Holmes against it. The question being then taken on the *resolution*, that was lost: Clayton and Holmes voting for it, Grundy and Woodbury against it."

The reader may be at a loss to appreciate the difference which Messrs. Grundy and Woodbury saw between calling on a clerk, or the head of the Department himself, to testify. I will give him the probable clue: the Solicitor, with the *record* in hand, could not lie; but the Postmaster General had shown his tact at misrepresenting this very matter of his finan-

ces before; and, if he should not do the same thing again, the antagonising members of the committee had, already, full proof of his procrastination of any answer.

Whether this course of Messrs. Grundy and Woodbury gave the tone to subsequent example, or was, itself, a conformity to the party mania then already prevalent, it has nevertheless been rigidly practised by the same political partisans on every committee subsequently appointed for similar objects of investigation.

2d. The defeat of the principal objects of investigation for which the committee was appointed, by the refusal altogether or the delay of the head of the Department to answer the inquiries of the committee, until too late for action.

Example.—"March 1, 1831. "No information having been yet furnished by the Postmaster General *in reply* to the interrogatories in the letters of the 24th December and 18th January last, and the session being about to terminate on the day after to-morrow, the impossibility of reporting on the information when it shall be furnished was considered, and it seemed to be by all believed that a report, investigating the affairs of the Department, would be at this session impracticable." *Senate Report No. 73, page 94.*

The answer, however, was afterwards received by the chairman of the committee, but too late for examination before adjournment. This mode of defeating the objects of investigation was afterwards improved on by the President and heads of Departments on sundry occasions. But it is worthy of note here, that the *fourth* of the *nine* interrogatories purported to be answered, is strangely evaded, in relation to the pay and emoluments of the Chief Clerk of the Department, which was detected by a subsequent committee, in 1834, as will be hereafter seen—page 52.

3d. The entire defeat or suppression of a report or commentary of the chairman of the committee, to accompany the journal of their proceedings, the same being rejected by a party vote.

Example.—"March 2d, 1831. The committee met. The chairman offered a report to the committee, which was rejected: Messrs. Clayton and Holmes voting for it; Messrs. Grundy, Woodbury, and Hendricks against it. After debate the committee adjourned." (*Senate Report, No. 73, page 95.*)

It will be seen in the sequel that minorities of committees have not been always thus gagged. Is not every man, who is not "possessed of the demon of party spirit," ready to say to Messrs. Grundy, Woodbury, and Hendricks, that the idea of throwing a cloak over the official delinquencies of the public agents never could have entered the imaginations of true patriots; and that their too successful efforts to suppress the inquiry for which this committee was appointed, deserve the universal execration of the friends of popular sovereignty and a responsible Executive? But it will be seen that their embarrassing the committee only gave the delinquents a temporary security; and, while, probably from that circumstance, it added to the licentiousness of this and other Departments, it ultimately excited further and more successful efforts at investigation.

IX. The following passages are extracted from Mr. EWING'S FIRST REPORT, *made in behalf of the Committee on the Post Office and Post Roads, in obedience to the resolution of the Senate of the 29th March, 1834; read June 9th, 1834, and ordered to be printed.* (*See Senate Report, No. 422, 1st Session, 23d Congress.*)

"Your committee, at an early day after they were invested with authority so to do, called for a statement of the available claims due from postmasters and others to the Department, of the *funds on hand*, and also the *amount of its debts*. In answer to this inquiry, they were informed that it would be the *work of several months*, with all the disposable force of the Department, to prepare the statement; the shortest time named as possible extending *nearly beyond the probable adjournment of Congress*. Statements, therefore, said to be accurate, were obtained wherever it was practicable; [in the accounting offices of the Treasury Department;] and, where such were not to be had, your committee received conjectural statements, sworn to by the heads of the appropriate bureaus.

"By these, it appears that the Department is *largely insolvent*, and that, since some time in the year 1832, the Postmaster General did, without warrant of law, *borrow from the banks large sums of money, on interest, for the purpose of sustaining it*. The interest account, exhibited herewith, shows that some of those loans were made *during the last session of Congress, and within a short time after the date of the annual report of the Postmaster General, which states that there is an available surplus fund on hand, of \$202,811 40*, and which contains no intimation of any probable deficit, *present or future*. It is also worthy of remark that *his last annual report is wholly silent on the subject of these loans*. But the Postmaster General has, since the commence-

ment of this investigation, represented to your committee *that aid from the Treasury is necessary to enable him to carry on the operations of the Department*; and he has stated that *four hundred and fifty thousand dollars is the smallest sum that will serve that purpose.* (See Report, page 1.)

Possessing, therefore, as this Department has done, those *increased elements of prosperity and means of usefulness*, [as stated in the report,] it appeared obvious to your committee that *there must have been some mismanagement of its affairs, and a lavish expenditure of its funds, to reduce it in so short a time to its present insolvent condition*, and to render necessary the appropriation of so large a sum as *four hundred and fifty thousand dollars* from the Treasury to enable the Postmaster General to *redeem its credit, and carry on its essential operations.*

And, before determining whether they should recommend such an appropriation, your committee thought it their duty to ascertain, as far as practicable, the accuracy of the several official statements which were made to them, as well as those which have from time to time been transmitted to Congress touching the condition of the Department; also, that *they should investigate the cause of the sudden insolvency of this important department of the Government, which has heretofore sustained itself from its own resources*, which, in former years, actually contributed \$1,103,063 to the general revenue of the country, and which was but a few years since in a most flourishing and prosperous condition. *The prosecution of that inquiry was attended with much difficulty and embarrassment.* (Same Report, page 5.)

[After wading through this perplexed conglomeration of official malfeasances and frauds, the details of which are monstrous beyond the power of general terms to express, the committee concluded this preliminary report as follows:]

On the whole, your committee have found the affairs of the Department in a *state of utter derangement*, resulting, as it is believed, from the uncontrolled discretion exercised by its officers over its contracts and its funds; and their habitual *evasion*, and, in some instances, their *total disregard*, of the laws which have been provided for their restraint. And your committee see no means within the power of Congress of extricating it from its present condition, and restoring it to healthy and efficient action, without providing by law a more strict system for its government; prescribing to its officers more special rules for the performance of their several duties; taking from them, as far as possible, all discretion where the acceptance of contracts, or the disbursement of money, is concerned; establishing a more strict system of accountability, and *enforcing an observance of the laws by penal enactment.*

Should Congress advance out of the Treasury, for the support of the Department, the sum of money asked for by the Postmaster General, or even the whole amount of its debts, it is not probable, while under the management of its *present* officers, with no other means than now exist to control and restrain them, that *its debts would be liquidated, or its efficiency restored.* Under this impression and belief, your committee cannot recommend the appropriation of any money to relieve the wants of the Department until there be some further guarantee for its proper and judicious application.

Your committee, reserving the right to make a further report on these subjects hereafter, respectfully recommend the adoption of the following resolutions:

1. *Resolved*, That it is proved and admitted that large sums of money have been borrowed at different banks by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void.

2. *Resolved*, That several reports of the Postmaster General contain statements which, in subsequent papers, he admits to be erroneous; that others, especially those of the 18th of April, 1832, and the 3d of March, 1834, are inconsistent with each other; and that reliance cannot be placed on the truth and accuracy of the communications made by the Department.

3. *Resolved*, That it is fully proved that a practice prevails in the Post Office Department of granting contracts on bids which vary from the advertisement, and of changing and altering contracts in material respects after they have been accepted; and that this practice prevents all fair competition among persons wishing to make contracts, is calculated to give undue advantage to favorites, and is in violation of law.

4. *Resolved*, That it appears that an individual who made a contract for the transportation of the mail was required to give it up for no other reason than that it might

“be given to another desirous of having it; and that the act of the Department in requiring such surrender, and in effecting the transfer, was illegal and unjust.

“5. *Resolved*, That it appears that proposals for carrying the mail on the route from Chicago to Green Bay were *withheld from advertisement*; that the contract, therefore, was given in another’s name, but really to one of the clerks in the Department; that the compensation proposed in the bid was raised without any increase of service, and that the transaction is a direct breach of law.

“6. *Resolved*, That *extra* allowances have been granted to contractors without any increase of duty or service on their part; and that, in other cases, extra allowances have been made which are unreasonable, extravagant, and out of all proportion with the increase of service.

“7. *Resolved*, That the Postmaster General has established steamboat lines for the transportation of the mail, by private contract, at an enormous expense, and without authority of law.

“8. *Resolved*, That the public credit has been pledged for the benefit of *individual contractors*; and that contractors have been solicited and induced to aid, with their personal credit, the business of the Department; and that all such transactions are unjustifiable and improper.

“9. *Resolved*, That it does appear that mail lines have been established to run more frequently than once a day, and at a very heavy expense, when no adequate public object required such a provision.

“10. *Resolved*, That pecuniary transactions of a very irregular nature are proved to have taken place between the contractors and some of the chief officers of the Post Office Department.

“11. *Resolved*, That the Post Office Department is now deeply in debt; its affairs in disorder; its accounts and reports irregular and unsatisfactory; that it is justly the subject of public complaint, and demands a radical reform.

“12. *Resolved*, That the *incidental expenses* and *secret service money* of the Department have increased, are increasing, and ought to be diminished.

“13. *Resolved*, That it does appear that an agreement was entered into between two companies of mail contractors, the express object of which was to put down all opposition lines of coaches, and all competition in the transportation of passengers on their respective mail routes. That said agreement was drawn by an officer of the Department, and entered into at his pressing instance, and that it was sanctioned by the Postmaster General; and that such agreement, so sanctioned, is an interference with the honest pursuits of the free citizens of these United States; that it tends to establish an odious and oppressive monopoly, and is an unjust invasion of private rights.

“14. *Resolved*, That it does appear that mail contractors have received large *extra* allowances, and have at the time of receiving such allowance become the proprietors of newspaper presses of a partisan character. It also appears that a newspaper editor in the State of New Hampshire is a contractor for carrying the mail on numerous routes, *“with newspaper privileges,”* and that every such act or artifice tending to unite the Press with the Post Office Department is a dangerous abuse, and ought to be corrected.”

X. The aforesaid committee of the Senate continued their investigation of the affairs of the Post Office Department during the recess, and at the next session of Congress made a second and final report; of the luminous exposition of which, the following extracts will afford the reader some evidence, under three general heads, viz :

FINANCE OF THE DEPARTMENT—*imperfect and confused state of the books—available fund on hand when the Department passed from McLean to Barry—its speedy bankruptcy in 1832.*

“One of the principal difficulties which had been encountered in the investigation during the last session of Congress, was that of arriving, even by approximation, at the state of the finances of the Department. It was a subject on which the opinions of different members of your committee were widely variant, and they could determine nothing with certainty from a mere inspection of the books, or a footing of the accounts. Many very large and important items were merely made the subject of a marginal note, and that often in pencil-mark. On the whole, the accounts were in a state of great uncertainty and confusion, and so extensive and complicated the transactions which they embraced, that it was deemed wholly impracticable for your committee, by their own personal labor, to balance the books, and arrive at any result at all approaching to accuracy. It was the more difficult, as the ordinary books of entry do not appear to contain the materials for a full and fair adjustment of the accounts which they purport to exhibit: as for example,” &c. Report No. 86, page 1. * * *

"In their comparative view of the revenue and expenditures of the Department, for the next four years preceding, and the four years next following, the time at which it was placed under the superintendence of the present Postmaster General, your committee noticed the difference between the statements of Mr. McLean, the late Postmaster General, and the present incumbent, as to the amount of available funds on hand on the 1st July, 1829."

"The amount of surplus funds left on hand, according to the statement of Mr. McLean, was \$289,140 17. The amount, as stated by Mr. Barry, was \$230,489."

[But according to the statement, on oath, of the Solicitor of the Post Office Department, (Mr. Hand,) examined by the committee, "the whole amount of debts due, and cash on hand, at that date, (1st July, 1829,) leaves \$377,492 which were available, or have since been made available by collections." See Report, page 4.]

"Your committee, in the course of the investigation during the last session of Congress, were informed that money had been raised for the use of the Department upon the credit of some of the principal contractors; and on the examination of James Reeside, they inquired of him whether he had at any time or times drawn a draft or drafts for the purpose of raising money for the Department.' In answer to this inquiry he says: 'I did in two instances. About two years ago, in consequence of a letter received from the Department, stating in substance that they were in want of money in this city, or Philadelphia, I drew a draft for six thousand dollars, which was negotiated at the Western Bank of Philadelphia. The draft was drawn on the Department at a short date, and paid at maturity. The other case was sometime last winter. I arranged ten thousand dollars through Mr. Bates, the assistant postmaster at New York, by drawing drafts on the Department at the request of the Department. I presume they have been paid, as I have heard nothing from them since.' [The report speaks of another draft of Reeside, for \$20,000, April 10, 1833, for the use of the Department—see page 85.] But he says nothing of this draft of \$20,000. His deposition was taken on the 21st May, 1834, and this money was raised for the Department on the 30th April previous." See Report, page 86.

"Another credit of Reeside (on the books of the Western Bank of Philadelphia) attracted the attention of the committee. It is entered under date of October 11, 1833, and is as follows: 'Cash deposited in Western Bank, Philadelphia, \$6,000.' And your committee found by the statement furnished them by this bank, that this sum was also raised on a draft drawn by Reeside, and accepted by C. K. Gardener, Assistant Postmaster General, and paid at maturity by the Department. Your committee not finding any corresponding charge to Reeside on the books, called before them C. K. Gardener, Assistant Postmaster General, and pointed out to him this credit, and asked him for a corresponding charge, and an explanation of the transaction. His statement in reply to this inquiry shows a state of things and a course of business, existing in this office, of which, until recently, we have had no knowledge. His evidence on that point is as follows:

"I think I can explain it. Mr. Suter [then pay-agent of the Department] wrote to Mr. Reeside to make his draft and deposite the amount of \$6,000, to the credit of the Department, in the Western Bank of Philadelphia, to enable the Department to meet its checks drawn and to be drawn on that bank. This mode of raising the money, or of supplying the deficiencies of the Department, was suggested by the Postmaster General, and some discussion was had on the subject, but we concluded to avoid that mode of supplying the Department in future, [was it not on this account that recourse was had about this time to Mr. Gouverneur, postmaster at New York?] apprehending the impropriety of being dependent on the credit of contractors to supply the wants of the Department; and we avoided it until the deficiencies of the Department, in December, 1832, rendered it necessary to make the first loan of the Manhattan Company for \$50,000."—See Report, pages 86, 87.

IMPROVED BIDS AND EXTRA ALLOWANCES—The frauds and favoritisms they cover—are violations of law, and revolting to reason.

"A practice has of late prevailed extensively in this Department of advertising proposals for carrying the mail on the principal mail routs in a different manner from that in which it is in fact to be carried; of receiving bids for carrying it in a different manner from that which is advertised, which are called 'improved bids;' of accepting the bids as made all together, and entering their acceptance as applied to that part of the bid which conforms to the advertisement, and immediately changing them to the 'improved bid,' and so executing the contract: thus, in effect, letting or making the contract without

“*advertisement*. This is a violation of law, and has given rise to, and is made the apology for other violations of law and official duty. Any original contract entered into for the transportation of the mail, which is not in pursuance of an advertisement, special and distinct in its terms, ‘describing the places from and to which the mail is to be conveyed, and the time at which it is to be made up, and the day and hour at which it is to be delivered,’ is not a contract made in conformity with the law; but is a violation of one of its most important provisions.

“This practice of entering contracts without the observance of this provision of the law [entitled an act to reduce into one the several acts establishing the Post Office Department] throws the door wide open to *unfairness, favoritism, and collusion*. The public know nothing of the purposes or the wishes of the Department as to the time and manner of transporting the mail, *except through the medium of the public advertisement*; and the honest business-man, who would wish to seek a contract through fair competition, would naturally suppose that a bid pursuant to the advertisement would be the one and the only one by which he could procure such a contract; and he would further suppose that he would be bound by such bid. With the public at large this probably has been the case; it appears to have been so with the *small contractors* generally; but it has been far otherwise with a class of *large contractors*, who appear to be on terms of intimacy and confidence with some of the officers of the General Post Office, and whose affairs are intimately blended with the fiscal concerns of that Department. For example, in looking over the bids for the fall of 1831, it will be found that such individuals who obtained contracts upon the great mail routes, or a great number of the small routes united, included in their bids not only a proposition to carry the mail according to the advertisement, but with stipulations that the bidder would bind himself to carry the mail in a *different manner at a different price*. Of the favored contractors, the bids to carry the mail pursuant to the advertisement are generally *very low*, so as to enable the Department to award them the contract; while their *improved bid*, in pursuance of which the contract is at last executed, is *very high*, so as to insure to the contractor an enormous profit. The acceptance is marked on the proposal book opposite the sum which was bid for conveying the mail pursuant to the advertisement; and the rival bidders will see at once on an inspection of this book that they are *under-bid*, but [the ends of this fallacy being thus subserved] the contracts are executed according to the *improved bid*, which is often twice or three times the sum at which it is entered on the proposal book laid open to the inspection of the public.

“For example, at the lettings in 1831, James Reeside bid to carry the mail from Philadelphia to New York, pursuant to advertisement, (daily) at \$6,000 a year, or at \$19,000 *improved*. The bid was entered ‘*accepted*’ at \$6,000, and the contract executed at \$19,000,” &c. &c.—*Ewing’s report*, pages 12, 13. [In illustration of this class of frauds, an enumeration of cases is given in the report, demonstrating an utter prostration of the moral sense in all the high contracting parties.]

REMOVALS OF POSTMASTERS—*without regard to their merit, or the injury inflicted upon the public service—and their successors appointed to subserve party purposes, equally regardless of their fitness for the official trust.*

“It appears by a letter from the Postmaster General to the chairman of your committee, in answer to a resolution of the 29th of September, 1834, there had been thirteen hundred and forty postmasters removed from office. Public opinion ascribes those removals, with few exceptions, to motives of *party policy*. This subject seemed to your committee to require investigation, and they thought, and still think that it fell within the scope of the authority conferred on them by the resolutions under which they acted; and that it was one of those subjects into which the Senate, as a branch of the legislative power, had a right to direct an investigation. If, indeed, the extensive patronage of this Department were so wielded as to influence, as far as possible, the political actions of men; if its numerous offices were made a subject of sale and barter for party influence and political power; if it were a part of the established system that honest men and faithful officers should be removed from office, for no other reason than that they had ventured to be freemen, and exercise the rights of freemen and American citizens at the polls; and that their places should be filled by men having no other qualifications than those of efficient partisans and supporters of the men in power, it was of the first importance that the nature and extent of the mischief should be known to the legislature and the people of the country; and that a remedy should be applied by law to check, and, if possible, eradicate the evil.

“It was represented to the members of your committee, from sources entitled to con-

"sideration, that there were *many cases* in which those things had been done. That
 "deputy postmasters, upright and honorable men and faithful officers, had been removed
 "for no other known cause than that of their political opinions; and that there had been
 "appointed in their stead active political partisans, notoriously deficient in talent, and
 "destitute of integrity; and who, since their appointment, *had appropriated* the whole
 "proceeds of their offices to themselves—first neglecting to account, and at last absconding
 "with the funds; and that in some instances *the officers in the Department had neglected*
 "*to prosecute until their sureties were fully discharged by lapse of time.*"!—(Ewing's
Report, page 86.) [A number of cases in illustration cited.]

XI. The corrupt and foul condition of the Post Office Department had become so notorious and alarming that, shortly after the first report of the Senate's committee and while that committee was still engaged in prosecuting its laborious investigations, above quoted, a select committee of the House of Representatives was also appointed under a resolution of the 26th June, 1834, (the last day of the session,) "to examine the condition and proceedings of the Post Office Department." So that during the recess the Post Office Department was subjected to the searching operations of two investigating committees of the twenty-third Congress.

The result of the investigation made by the committee of the House may be stated, in general terms, as being confirmatory of those made by the Senate's committee; with only a slight difference, that is, in the degree of minuteness with which the report of the minority of the House committee makes some of its developments. Among these, I will simply advert to two or three, viz:

1st. The frivolous if not disingenuous distinction set up by the Postmaster General between the authority of the Senate and the House of Representatives to inquire into the removals of postmasters, the call for information on which matters he had refused to the Senate's committee, towards the majority of whom he had hostile party feeling, and of course jealous apprehensions, while the propitiatory party feelings of the majority of the House committee, to whom he communicated the information, might use it apologetically, or suppress it altogether, as they did.

2d. His contumacious refusal or neglect to make any answer whatever to other calls for information in relation to the records showing the condition of the finance of the Department.

3d. That the adjustment of the accounts of the Post Office Department was nearly six years in arrear at the Treasury Department, and therefore of little or no avail as a check on the Post Office.

4th. Of the co-partnerships of the chief clerk, in violation of law, with mail contractors for transporting the mail; and,

5th. The *extra* annual compensation of the chief clerk, making his salary \$2,200 a year instead of \$1,700, as fixed by law.

An extract from the report of the House committee (Doc. No. 103, p. 65) will further show the low ebb to which the moral principle of high officers of the Department had sunk as early as 1830, which the select committee of the Senate, then appointed, failed (as has been and will again be presently seen) to detect; and which remained so concealed until the select committee of the House, in 1834, ferreted it out. I make this extract in full, as subjoined, because it serves, in part, to show how early the lesson was inculcated and practised with success, to evade the inquiries of investigating committees; which evasions afterwards actually put on the haughty air of defiance, by the heads of Departments assuming to be exempt from inquiry in certain cases, under the pleas—first, that they constitute an independent co-ordinate department—and, second, that for impeachable offences they are not bound to convict themselves. The first of which has not even the merit of being a *plausible* fallacy, and the latter has only the merit of recommending its benefits to the guilty of conscience, but of which no honest man could have occasion to avail himself.

"In a Government where all power emanates from the people; where all the officers
 "and agents are appointed directly or indirectly by them, and are paid from their Treasury,
 "it is their undoubted right to know who their agents are, what services they perform,
 "and what compensation is paid to them. To disseminate this information, a joint resolution was passed by Congress, and approved by the President on the 27th of April,
 "1816, the first section of which is as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.* That once in two years a register, containing a correct list of all the officers and agents, civil, military, and naval, in the service of the United States, made up to the last day of September of each year, in which a new Congress is to assemble, be compiled and printed, under the direction of the Secretary for the Department of State; and, to enable him to form such register, he, for his own Department,

"and the heads of the other Departments, respectively, shall in due time cause such lists as aforesaid, of all officers and agents in their respective Departments, including clerks, cadets, and midshipmen, to be made and lodged in the Department of State; and the said lists shall exhibit the amount of compensation, pay, and emoluments, allowed to such officer, agent, clerk, cadet, midshipman, the State and country where he was born, and where employed."

"No change of party has affected this resolution; nor has its repeal been attempted; but it remains as obligatory and binding as when it was approved. Its provisions were enlarged on the 14th of July, 1832, to embrace printers and mail contractors, with the compensation paid to each."

"On the 15th of December, 1830, a resolution passed the Senate of the United States to appoint a committee 'to examine and report the present condition of the Post Office Department, and in what manner the laws regulating the Department are administered; the distribution of labor, the number of clerks, and the duties assigned to each; the number of agents, when and how employed; the compensation of contractors; and, generally, the entire management of the Department; and whether further, and what, legal provisions are necessary to secure the proper administration of its affairs.'"

"A select committee, under this resolution, was appointed, consisting of Mr. Clayton, Mr. Grundy, Mr. Hendricks, Mr. Holmes, and Mr. Woodbury."

"On the 24th of December, 1830, Mr. Clayton, as chairman of the committee, and by its unanimous direction, addressed a letter to the Postmaster General, requesting information on different subjects, arranged under nine heads. The fourth was as follows: '4th. The number of clerks employed by the Department, their duties, their respective salaries, and out of what fund those salaries are paid; whether in any, and if so, in what cases, their salaries are not arranged according to law; whether any extra allowance has been made by you to the chief clerk in your Department, and for what cause; and if any such extra allowance has been made, by what authority it has been paid, and out of what fund.'"

"In answer to so much of this inquiry as relates to an extra allowance to the chief clerk, Mr. Barry responded as follows: 'My chief clerk has not received any additional compensation for his services as such; but from October 1 to November 15, 1829, there was a vacancy in the office of one of the assistants, during which time, amounting to forty-six days, he was acting assistant, and performed the duties of that office, and for that period, and that period only, he received the compensation prescribed by law for the same.'"

"This answer, to those unskilled in the dexterous use of language, put to silence a rumor that had existed, that the chief clerk did receive a compensation in addition to his stated salary; but for what services, and to what amount, was not known, except to those whose official situations enabled them to have information on the subject."

"Mr. Barry, in the same report, states that 'Obadiah B. Brown was his chief clerk, at a salary of \$1,700 per annum.'"

"The examination of the last Biennial Register, published in 1833, was made without finding that any other sum than his stated salary had been paid to him for any services whatever."

"The names of the messengers, watchmen, and agents, are given, with their compensations, but no mention is made of such an agent, or officer, as superintendent of the Post Office buildings."

"By a standing order of the House of Representatives of the United States, passed on the 30th December, 1791, the Treasury Department is directed to report, at each session of Congress, the receipts and expenditures for the preceding year."

"The report having been renewed that Mr. Brown was in the receipt of a sum of money for official duties, exceeding the amount of his stated salary, the account of the receipts and expenditures for the year 1833 was examined."

"The two following items are found:

"Contingent expenses of the Postmaster General.	Obadiah B. Brown, agent	\$7,500
"Superintending the building of the Post Office Department, making up blanks, and compensation to two watchmen and one laborer.	Obadiah B. Brown, agent	1,600'

"Although this last item bore a close resemblance to a 'combined bid, with improvements,' it was supposed that Mr. Brown was merely the disbursing agent, as in the case of the contingent fund, but it was not suspected that he was the superintendent, to whom he, as agent, paid himself any part of the money mentioned."

"For the purpose of ascertaining whether Mr. Brown was in the receipt of any money for his services in or about the Post Office Department, except for his services of chief clerk, the following question was propounded to him on the 29th of January:

“ ‘Have you received, or have you been credited on the books of the Post Office Department, with any sum or sums of money, since you have been chief clerk, or have you been paid any sum or sums of money, for any services, or superintendence of any thing or matter relating to the General Post Office Department, except your stated salary of one thousand seven hundred dollars, and, if so, state for what services, and in what amount.’

“ To this inquiry he gave the following answer :

“ ‘I have not been credited on the books of the Department, nor have I received any sum for my services beyond my salary of seventeen hundred dollars a year, except \$500 a year for superintending the Post Office buildings and premises of the Department.’

“ The fact is, therefore, now disclosed, that Mr. Brown received \$2,200 a year, instead of \$1,700, as the Postmaster General has reported from year to year ; and contrary to the fair and common construction of his answer to the question propounded to him by the committee of the Senate. The resolution of Congress has been disregarded, in not reporting this agency for the Biennial Register, and the compensation paid for it. His accounts have been presented to the Treasury Department so worded as to suppress the name of the superintendent, and the compensation paid to him ; and an answer has been given to a committee of the Senate, which evades the inquiry, if it does not suppress the truth.”—(*See Minority Report, No. 103, pp. 65, 66, 67.*)

XII. I shall now invite the attention of the reader for a few moments, to the subjects of investigation of the Senate's Committee on Public Lands.

In the Senate of the United States, on the 15th December, 1834, the depositions taken during the recess by authority of the Committee on Public Lands, under resolutions adopted March 3, 1834, were ordered to be printed. These depositions, of nearly ONE HUNDRED RESPECTABLE WITNESSES, *circumstantially establish the affirmation of all the official neglects, malpractices, and frauds, designated for inquiry by those resolutions.* Without attempting to give an abstract of those depositions, which are too voluminous, I subjoin the resolutions themselves, as giving the best general idea of the *specifications of official delinquencies* clearly proved by the deponents : viz :

“ IN SENATE OF THE UNITED STATES, MARCH 3, 1834.

“ 1. *Resolved*, That the Committee on the Public Lands be instructed to inquire into the circumstances attending the recent sales of the public lands in the States of Mississippi and Alabama ; and whether the proclamations of the President of the United States, causing the public lands in the districts of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit creek, and from the Creek tribe of Indians in Alabama, to be offered at public sale, were issued and promulgated a reasonable length of time prior to the day on which said sales were directed to be commenced in each of said districts, to give proper notice to the people of the United States of the days appointed for said sales : also, into the causes why the usual public notice was not given.

“ 2. *Resolved*, That the same committee inquire whether any fraudulent practices, to the injury of the public interests, took place at said sales by reason of combinations of companies or individuals interdicting, or unfavorable to, a fair competition between bidders for public lands offered for sale in said districts ; and, if so, whether the officers superintending said sales had knowledge of, or participated in, such fraudulent practices or combinations.

“ 3. *Resolved*, That the said committee be instructed to inquire whether the *REGISTERS* of the land offices, and the *RECEIVERS* of public moneys, at *any* of the land offices of the United States, or either of them, have, in violation of law and of their official duties, demanded or accepted a *bonus* or *premium* from any purchaser or purchasers of the public lands, at public or private sale, for the benefit of such officer or officers, as a condition on which such purchaser or purchasers should be allowed to enter or purchase any tract or tracts of land offered for sale by the United States ; and, also, whether any *REGISTER* or *RECEIVER*, as aforesaid, has been guilty of fraud or partiality in the sales of the public lands, by adopting rules or regulations in their respective offices, inconsistent with the laws of the United States.

“ 4. *Resolved*, That the said committee inquire whether the public lands at any land office in the United States have been sold otherwise than for cash ; and whether any *REGISTER* or *RECEIVER* in said State has, at any time, taken in payment the promissory note of any purchaser or purchasers bearing an interest to accrue to the benefit of such *REGISTER* or *RECEIVER*.

“ 5. *Resolved*, That, in prosecution of said inquiries, the said committee have power

"to send for persons and papers, to take depositions, and to examine witnesses before them, on oath, touching the matters aforesaid."

It will appear somewhat extraordinary, that the *defalcations* of the RECEIVERS of the public moneys in the land offices, which had already become so considerable in 1834, were overlooked, or possibly not even suspected, by the Senate, when ordering the above investigations. But by the indefatigable vigilance of many patriotic members of Congress, these defalcations have been since brought to light, together with those of COLLECTORS of the customs, MARSHALS, DISTRICT ATTORNEYS, &c., all of which, taken in the aggregate, or in detail, make a frightful exhibition of the degraded state of the morals of *Government sub-treasurers*, as we shall see from a summary in the sequel.

XIII. The partiotic motto, "Never to despair of the republic," seems ever to have animated that small band in both Houses of Congress, notwithstanding the unequal odds of Executive influence they had to contend with. Accordingly, when, on the eve of General Jackson's last term, the imperfect efforts (already sketched) to make investigations, having only served to perfect the friends or apologists of misrule in the arts of evasion, and to increase the Executive defiance, the President took occasion, in the very teeth of the many facts exhibited by those investigations, to give his certificate, in his message to Congress, "to bear testimony of the *prosperous* condition of the various Executive Departments, and to the *ability and integrity* with which they had been conducted;" declaring that "it had been his aim to enforce in all of them a *vigilant and faithful* discharge of the public business;" adding, "and it is gratifying to me to *believe* that there is *no* just cause of complaint, *from any quarter*, at the manner in which they have fulfilled the OBJECT OF THEIR CREATION." Yet did that unterrified band in the House of Representatives rally upon the issue courted by this throw of the gauntlet, manfully supporting, and supported by, that intrepid, that vigilant statesman, H. A. Wise, march to the unequal contest in the arena of a packed committee of a large majority of the friends of Executive misrule.

Fully to comprehend this manoeuvre of the Jacksonian tactics *misapplied*, and shorn of its terrors before true patriots, the reader should bear in mind the military adroitness with which General Jackson had, on a former occasion, entrenched himself behind the veto power, which proved as formidable against the friends and defenders of the Constitution as the entrenchment of the cotton bags had done, in a more glorious cause, against a national foe. Having removed the depositories by a lawless assumption of power during the recess of Congress, the National Legislature could not restore them to their former safe-keeping except by such a majority of both Houses as would be competent to break down the misused barriers of the veto. And now, on the eve of his administration, having every reason to expect, from matters and things of general notoriety, that a reckoning of his stewardship would be sought for, in some manner, by the advocates of Executive accountability in Congress, whether by select committees or otherwise, he, in order to gain the vantage ground in such anticipated issue, which he could not better accomplish than by having recourse to his former tactics, assumed this strong position of immaculacy for himself and his departments beforehand, so that he might denounce and foil any subsequent movement of Congress, as an issue made direct with the President, impugning his *veracity and integrity*, and calling upon him and his departments to convict themselves in impeachable offences, in which they would not be compelled to testify against themselves.

The reader will now probably better comprehend the following imperfect extracts from the able and eloquent report of the chairman of the select committee to whom the foregoing extract from the President's message, challenging this issue, was referred.—*See House Document No. 191, 2d Session, 24th Congress, page 24, viz :*

"The undersigned, of the committee to which was referred 'so much of the President's message as relates to the condition of the various Executive Departments,' &c., begs leave to show the reasons for dissenting from the majority.

"The resolution of the House of Representatives, under which this committee was appointed, was passed on the 17th day of January. On the 20th of that month, the chairman, who was serving during the session of the House on another committee of investigation, was notified by the Clerk of the House of the appointment of this committee, after his calling at the Clerk's office and requesting to be furnished with a copy of the resolution, and of the list of the committee.

"On the 21st day of January the committee was organized, and proceeded to its labors. The resolution, it was thought, embraced every species of legitimate inquiry, in the fullest extent, into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the man-

ner in which the departments, or their bureaus and offices, or any of their officers or agents of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest. The scope of inquiry was vast and unlimited; the time in which to institute and accomplish investigation was very short and insufficient. The call for this investigation had in fact been made early during the past session of Congress, and was not granted until within six weeks of the close of this. Many subjects, therefore of the highest importance, which required the strictest scrutiny and the longest time, the testimony as to which was to be obtained from the greatest distance of the extremes of the Union, could not be touched in the short period left for the execution of the task of this committee. There were many subjects, however, of deep interest, the evidence as to which was known to be near at hand, which could be inquired into; and, accordingly, several of these were proposed to be examined.

"Among these, the first in importance and the first proposed to be examined, were the subjects of Executive patronage to the public press, of Executive appointments to office, of the application of contingent items of appropriation, of irregular expenditures, allowances, and payments, and of sinecures. Accordingly, at the first meeting, four distinct resolutions were offered on these subjects, respectively."

[Omitting here the report of the resolutions and amendments, I continue the extract at page 28.]

"After these and various other amendments, and after adopting an additional or fifth resolution, by a vote of 6 to 2, which was regarded at the time by some of the committee as intended to give the departments an opportunity, and to call on them for a labored defence of the errors, if any, of their administration, the resolutions, as amended, were adopted, and ordered to be communicated according to their tenor.

"These five resolutions were adopted on Monday, the 23d of January. On Tuesday, the 24th of January, the chairman of the committee addressed to the President the following letter, and resolutions enclosed therein:

"WASHINGTON, January 24, 1837.

"SIR: I am ordered by the Select Committee of the House of Representatives, appointed to inquire into the condition of the various Executive Departments, &c., to communicate to you the enclosed resolutions.

"Respectfully, &c.

HENRY A. WISE, *Chairman.*

"TO ANDREW JACKSON,

"President of the United States."

"On Friday, the 27th of January, the chairman of the committee was called upon by Mr. Mann to testify as a witness, and the following question was propounded to him, to wit:

"Do you, of your own knowledge, know of any act, by either of the heads of the Executive Departments, which is either corrupt or a violation of their official duties?"

"Another member of the House, also, the honorable John Bell, had been called on as a witness before the committee.

"The chairman was proceeding to answer, when the private secretary of the President entered the committee-room and presented a letter signed by the President, as follows:

"WASHINGTON CITY, January 26, 1837.

"SIR: I received, on the evening of the 24th instant, your letter, covering a copy of certain resolutions purporting to have been adopted by a committee of the House of Representatives, of which you are chairman, and request that you will lay before that committee this, my reply, which I hasten to make.

"It appears, by the published proceedings of the House of Representatives, that the committee of which you are chairman was appointed on your motion. The resolution offered by you, and finally adopted by the House, raised a direct issue with that part of my annual message in which I held the following language: 'Before concluding this paper, I think it due to the various Executive Departments to bear testimony of their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce, in all of them, a vigilant and faithful discharge of the public business; and it is easy to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the object of their creation.' Your resolution is in the following words: 'Resolved, That so much of the President's message as relates to the condition of the various Executive Departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee, to consist of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said com-

mittee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.' It also appears from the published proceedings of the House, that this resolution was accompanied and supported by a speech of considerable length, in which you preferred many severe but vague charges of corruption and abuse in the Executive Departments. The resolutions adopted by the committee, as well as that adopted by the House itself, must be taken in connexion with your introductory speech, which gives a character to the whole proceeding. When thus regarded, it is obvious that, by the resolution of the House, an issue is made with the President of the United States; as he had alleged, in his annual message, that the heads of the Executive Departments had performed their official duties with ability and integrity. In your speech you denied this; you charged them with manifold corruptions and abuses of trust, as you had done in former speeches, to which you referred; and you demanded an investigation through the medium of a committee. Certain other members of Congress, as appears by the published debates, united with you in these accusations; and, for the purpose of ascertaining their truth or falsehood, the committee you demanded was ordered to be raised, and you were placed at its head. The first proceeding of the investigating committee is to pass a series of resolutions, which, though amended in their passage, were, as understood, introduced by you, calling on the President and the heads of the departments—not to answer to any specific charge; not to explain any alleged abuse; not to give information as to any particular transaction; but, assuming that they have been guilty of the charges alleged, calls upon them to furnish evidence against themselves!

"After the reiterated charges you have made, it was to have been expected that you would have been prepared to reduce them to specifications, and that the committee would then proceed to investigate the matters alleged. But, instead of this, you resort to generalities even more vague than your original accusations; and, in open violation of the constitution, and of that well-established and wise maxim, 'that all men are presumed to be innocent until proven guilty, according to the established rules of law,' you request myself and the heads of the departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the constitution, the power of impeaching us is vested! The heads of departments may answer such a request as they please, provided they do not withdraw their own time, and that of the officers under their direction, from the public business, to the injury thereof. To that business I shall direct them to devote themselves, in preference to any illegal and unconstitutional call for information, no matter from what source it may come, or however anxious they may be to meet it. For myself, I shall repel all such attempts as an invasion of the principles of justice, as well as of the constitution; and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish inquisition.

"If, after all the severe accusations contained in the various speeches of yourself and your associates, you are unwilling, of your own accord, to bring specific charges, then I request your committee to call yourself and your associates, and every other member of Congress who has made the general charge of corruption, to testify before God and our country, whether you or they know of any specific corruption or abuse of trust in the Executive Departments; and, if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means. The offices of all the departments will be opened to you, and every proper facility furnished for this purpose.

"I hope, sir, we shall at last have your charges, and that you will proceed to investigate them, not like an inquisitor, but in the accustomed mode. If you either will not make specific accusations, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings. In the short period which remains of my official duty, I shall endeavor, as I have heretofore endeavored, to fulfil the obligations of that oath of office by which I engaged, 'to the best of my ability, to preserve, protect, and defend the constitution of the United States;' and for this, and other reasons of the most solemn character, I shall, on the one hand, cause every possible facility, consistent with law and justice, to be given to investigation of specific, tangible charges; and, on the other, shall repudiate all attempts to invade the just rights of the Executive Departments, and of the individuals composing the same. If, after all your clamor, you will make no specific charges, or bring no proof of such as shall be made, you and your associates must be regarded by the good people of the United States as the authors of unfounded calumnies; and the public servants whom you have assailed, will, in the estimation of all honorable men, stand fully acquitted.

"In the mean time, I cannot but express my astonishment that members of Congress should call for information as to the names of persons to whom contingent moneys are paid, and the objects of those payments, when there are six standing committees, under the seventy-seventh rule of the House of Representatives, whose special duties are to examine annually into all the details of those expenditures in each of the Executive Departments. The like remark is applicable to some other branches of the information sought by you, ample details in respect to which are to be found in the reports laid before congress, and now on your files; and to which I recommend you to have recourse.

"I am respectfully, &c.,

ANDREW JACKSON.

"To the Hon. HENRY A. WISE, *Chairman of the Investigating Committee on the abuses and frauds of the Executive Departments—charged!*"

"By this letter, it appears that the President had been distinctly informed of the proceedings of the committee. The chairman remarked upon the fact, and inquired whether any member of the committee had given information to the President of its proceedings. The Hon. Abijah Mann, jr., confessed immediately that he had conversed with the President on the subject of its proceedings, and was immediately put under examination, upon oath, in relation thereto.

"First question by Mr. Wise to Mr. Mann:

"Will you please to state to this committee all you know respecting conversations held with the President of the United States, either by yourself or any other member of this committee, in relation to the proceedings of this committee, the resolution communicated to him by the chairman, and the letter from him of this morning?

"Answer by Mr. Mann:

"I saw the President of the United States, I believe, on Tuesday evening of this week at his house; and, in a general conversation, he inquired from me what progress this committee were making under the resolution of the House of Representatives? and I informed him that the chairman had submitted a series of four resolutions of a broad character, as I considered them, and that the committee had amended them, with a view, as I believed,

of limiting them to a more practical and definite operation, so as to enable those to whom they were addressed to give answers thereto at the present session, by inserting the words 'without authority of law' in some of said resolutions, as words of limitation and restriction.

"The President then told me that he would, in proper time, send his answer to this committee, after he should receive a copy of the resolutions. This, I believe, is fully the substance of the conversation to which I have referred. I cannot remember the words used, either by myself or the President. The President told me that he would desire this committee to examine, upon oath, such gentlemen as had charged corruptions and abuses against the heads of the Executive Departments."

"The minority of your committee cannot but remark fully upon the extraordinary character of this letter from the President, and of the proceedings of the committee in obedience to its request, and to his will as indicated therein, and to a member of the committee in conversation. Though it is directed to Mr. Wise, as chairman of the committee, whose organ merely he was in communicating its resolutions calling upon the President officially for information, yet it addresses itself to him in every relation of chairman of a committee, of representative in Congress, and of an individual man. Without stopping to comment upon the utter impropriety of his not discriminating at all between these relations, so essentially different and distinct, further than simply to remark that this is the first time a Chief Magistrate, in officially addressing a public functionary, has ever lost sight of the officer in regarding the individual person whom he addressed, the undersigned proceeds at once to show: That this letter is an official assumption of authority by the Executive over the proceedings of the House of Representatives, and over the proceedings of one of its committees; that it is an official attack upon the privileges of members of both Houses of Congress; and that it opposes an unauthorized resistance to the just powers of the House and its committee, in direct hostility to inviolable principles necessary to the administration of a free Government.

"Your committee has no power to speak of its personal attack upon individual members.

"This letter is official. It is the "reply" of the President of the United States to a letter of a chairman of a committee covering a copy of certain resolutions purporting to have been adopted by that committee of the House of Representatives. The letter, enclosing the resolutions of the committee, was signed by the writer, as chairman. The reply of the President is signed precisely as he signed the "last annual message," and all the messages sent by him to Congress; and was directed on the envelope, and at the end of the letter itself, on the inside, to the chairman of the committee; as the latter direction, in the point and punctuation of passion itself, will emphatically show. It requests the chairman to lay it before the committee, and the committee placed it upon its journal as an official communication from the Executive, to be reported to the House.

"In this official letter the President assumes authority over the proceedings of the House. In the first place, he therein assumes to supervise those proceedings. He says this committee was appointed on the motion of its chairman. What authority has the President for noticing—what necessity has he for inquiring on whose motion a committee of the House is appointed?

"That the House had the power to appoint this committee, no one will deny; that any member had the right to move for its appointment, it was once thought no one would oppose; and that the motion for its appointment by one instead of another member constituted any part of its illegality or impropriety, was never imagined before, though now we know its paternity constitutes its odium to the President. Now we have evidence that the President of the United States has not confined his consideration to the results of the proceedings of Congress, or of either House; but he assumes to look behind those results, and to supervise and consider what each House, for itself alone, by the constitution, has power to determine—the proceedings by which it arrived at those results. He has not looked at the resolution merely of the House, but to its mover and its advocates, and their speeches on the floor. He has interpreted it, not by its own words, its own declared sense—has expounded it, not by counter-propositions which failed, by substitutes which were refused, or by amendments which were rejected; but by speeches made at the time, and other speeches at different times referred to, and those entirely on one side only of the question discussed. How improper it is, and to what pernicious consequences it may lead, for the Executive thus to look beyond the order, the resolution, or the vote of either House, or both, the nation may clearly infer from how unfortunate it has been that a particular member was the mover for the appointment of this committee in this instance, and that the res-

olution from which it derived its duties and powers was advocated by him and his 'associates!'

"Again: The President assumes to control as well as to supervise the proceedings of the House.

"What did the House do, and what did it refuse to do? It referred a part of the "last annual message" to a select committee, with power to send for persons and papers, and with instructions to inquire into the condition of the various Executive Departments, &c. Whilst the resolution proposing this inquiry was pending, an amendment was offered by Mr. Pearce, of Rhode Island, to instruct the committee to inquire only into such specific causes of complaint as might be alleged against the integrity of the administration.

"These conflicting propositions—the one to inquire simply whether the condition of the departments was good or bad, the other to examine into the truth or falsehood of specific charges which might be alleged—were fully discussed in the House of Representatives. On the one hand, it was contended by the mover of the resolution which finally prevailed, and by his "associates" who advocated its passage, that there was reason to believe the administration of the Government was corrupt, and the Executive Departments to be in the worst condition. But whether corrupt or not, and whether that condition was good or bad, it was the duty of the representatives of the people, at all times when called on, to inquire into the condition of the Government.

"That this Government was instituted for the common benefit, protection, and security of the people; that its form was adopted as one most effectually secured against the danger of mal-administration; that all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.' That if neither House of Congress could nor would inquire into the official conduct and administration of Executive officers, the people, who could not inquire in their aggregated or conventional capacity; and the States, which cannot, from their own organization, and that of the Federal Government, institute inquiries at all efficiently, could never be informed of the official conduct of their federal officers; and these officers would, in effect, become irresponsible, from their acts, except such as they might of themselves disclose, being unknown.

"In addition to this general reason, founded upon the right of the people and of the States to know the true condition of their Federal Government, and the actings and doings of its officers, and upon the duty of the representatives of both the people and the States to report to them upon that condition of Government, and official conduct of public officers, the constitution expressly and imperatively declares the President 'shall, from time to time, give to the Congress information of the state of the Union;' and thence it is clearly implied that the Congress has the right to call upon the Chief Magistrate for information of the State of the Union.

"Not only so; but the constitution makes the President, Vice President, and all civil officers of the United States removable from office on impeachment; and it declares that the House of Representatives shall have the sole power of impeachment. How could the House ever know whether the President, Vice President, or any civil officer of the United States deserved to be impeached, without inquiring into their conduct, and knowing its merits and demerits? How could the House ever know whether the President had obeyed the solemn injunction of the constitution, 'to take care that the laws be faithfully executed,' that clause upon which the President has been wont to rely for the exercise of so many extraordinary powers, without inquiring how he had discharged that important duty?

"Further. 'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' And how shall it know what rules and regulations are necessary to protect the public lands, the public money, unless it possesses the means of acquiring the information necessary, it may be, to protect them from the abuses and corruption of executive officers to whom are confided their sales and their safe-keeping? How shall the House ever know without inquiry?

"In reply to all this, it was urged that there was no necessity for the resolution, because the standing rules of the House, prescribing the jurisdiction of committees, already required the very inquiries proposed by the resolution to be instituted; that the resolution took cognizance of all kinds of complaints from all quarters, and there would be no end to the investigation; that there was no constitutional power in the House to institute general inquiries; that such a power existed alone in the Executive as to the departments; that it was unusual to institute inquiries into the condition of the Executive Departments just as a President was about to retire from office; and that the resolution impugned the vera-

city of the President, and the integrity of him and his subordinate officers.* Such were the arguments urged against the resolution, and in favor of the amendment.

"These arguments were met by contending that the resolution did not authorize the committee appointed under it to try any officer of any department on any charge whatever. Impeachment in the House rather corresponded with indictment at common law in the courts. Impeachment must be specific. But a resolution of inquiry was not an impeachment; and, so far from implying even a charge, it imported, '*ex vi termini*,' a want of knowledge upon which to found a charge or specification. It did not even necessarily imply an investigation for the purpose of finding grounds for a charge. Inquiry sought properly for a good condition, and a faithful conduct of public officers; and only exposed a bad condition and corrupt conduct, if such should be found on due and fair investigation. And in this consisted the distinction between inquiry and inquisition. Inquisition seeks for the criminal motives and conduct of private individuals in their private affairs, and often extorts confession of guilt, from pain, where there is no crime. Inquiry into the condition and conduct of public affairs is a right of legislators. Inquisition into the condition and conduct of private affairs is no right even of the sovereign power. Inquisition would violate the 4th article of the amendments of the constitution. The resolution of inquiry did not invade the security of these rights, as was urged by those in favor of the amendment proposed. That article reads: 'The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.'

"This right is the right of the people. Are the Executive Departments and their officers the people? They belong to the people; though the history of Governments proves too sadly that, without constant vigilance and strict superintendence over them by the people or by their representatives, the people soon become to belong to them! 'To be secure in their persons, houses, papers, and effects.' Are the departments the public houses, papers, and effects, the departments, houses, papers, and effects of the executive officers?

"Had these officers the right to be secure in them from all inquiry? It was thought that they were mere trustees and servants, who might be called on at any time to give an account of their stewardship. The inquiry proposed by the resolutions was not deemed unreasonable.

"What were the standing rules of the House? The 57th rule made it the duty of the Committee of Ways and Means 'to examine into the state of the several Executive Departments, &c., and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.' The 65th rule made it the duty of the Committee on Public Expenditures 'to examine into the state of the several public departments,' &c. The 77th rule makes it the duty of the Committees on Public Accounts, respectively, to examine into the state of the accounts, &c., submitted to them, and to report particularly—

"Whether the expenditures of the respective departments are justified by law. Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers establishing their justness both as to their character and amount.

"Whether such claims have been discharged out of funds appropriated therefor; and whether all moneys have been disbursed in conformity with appropriation laws; and whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of public moneys, and to secure the Government from demands unjust in their character, or extravagant in their amount.

"And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments, and the accountability of their officers.'

* This great solicitude on the part of General Jackson's own partisans, about impugning his veracity and integrity, was a more conclusive argument against the salubrity of both than if it had actually been sought to impugn them by the appointment of the committee. The solicitude of his friends was a tacit confession, as strong as words could have made it, that the inquiry could not be sustained without resulting in a demonstration of the facts that his veracity and integrity were wanting! And this had been sufficiently proved by investigating committees in regard to several of the heads of Executive offices, before he, knowing the facts, nevertheless, dared to pronounce his frail testimony in their behalf.

"Such were some of the rules—the standing rules—of the House; and they are quoted to show the necessity and the precedent for general and searching inquiry. The second argument was inconsistent with the first, that the resolution of inquiry should specify charges. In these standing rules were committees of inquiry instituted without oath or affirmation, or notice or specification of charges. If the resolution of the House was inquisitorial, these rules were, and had been, from the earliest period of the existence of the House itself, standing inquisitions! There was the duty enjoined to examine into the state of the several Executive Departments. There was a search for any and whatever abuses might be found to exist, and a report of them required. Was it ever dreamed before that these standing rules were inquisitorial? No! They were the institutions of wise and jealous patriots, to insure that "eternal vigilance" which is the price of liberty!

"To the argument that there was no necessity, however, for the resolution of inquiry whilst these rules remained, it was urged that, though these rules instituted precisely the same kind of inquiry as did the resolution, and with no more specification or intimation even of charges, yet they were not so comprehensive or extensive. They related to the state of the several public Departments only. The resolution proposed to reach acts and proceedings of officers not to be found in the Departments—such acts as have been kept from the record. The resolution was intended to reach agents in fact who were not officers of the Government in form—to ascertain the public duties performed by persons not known to the laws and not responsible at all for any duty, by bond or otherwise—to find out by whom these duties had been performed, by whose order, how performed, for what compensation, and by whom paid.

"The duties of these committees related particularly to appropriations only, to the conformity of disbursements with the laws, and to subjects of economy and expenditure. They did not embrace fully the delicate subject of common honesty and purity in the administration of the Government.

"But the truth was, these committees never had performed the duties assigned to them. Some of the Committees on Public Accounts had failed to sit or act at all. They had generally been composed of very good friends of the President and the administration, and generally had shown their full confidence in both, by holding neither accountable to themselves or to others. It was true, one member of one of these committees had, during the last winter, exposed some astonishing items, in the accounts of the Department of State particularly; but with the exception of his labors, the country had enjoyed the benefit of no efficient superintendence over public expenditures, whatever.

"In answer to the third objection, it was replied that the resolution was no broader than the President's own message, and used its own language for the greater part. It was shown that though more extended, it was quite as specific as any resolutions of inquiry which had ever preceded it. For example, what was the resolution under which the celebrated Post Office Committee, which exposed such stupendous fraud, corruption, and mal-administration, was appointed?

"'Mr. Connor, by leave, submitted, June 26, 1834, the following resolution:

"'Resolved, That a committee be appointed to examine the condition and proceedings of the Post Office Department, with power to send for persons and papers,' &c.

"What could be more general and indefinite? Not to quote further precedents from the journals of Congress, which in some sense might be extended *ex parte*, and in favor of its own power, an Executive authority on the point was cited—an authority which, with the President, should have had the greatest possible weight, not only because it was his own, but because it was his when just "fresh from the people," who had just triumphed in a severe struggle with officers who were accused in their places with being corrupt, and whose abuses the President was elected to reform, and pledged himself to reform. In his first message to Congress, in December, 1829, the present Chief Magistrate himself held this strong republican language:

"'In connexion with this subject,' [frauds on the Treasury,] 'I invite the attention of Congress to a general and minute inquiry into the condition of the Government, with a view to ascertain what offices could be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.'

"If this invitation was meant sincerely, why now the President's opposition to a 'general and minute inquiry,' when his recommendation has never been pursued, without a specific bill of impeachment first laid, which could not possibly be found without a previous inquiry for facts! Have the uses and abuses of power changed his opinions, or is it because he himself is now implicated.

"One of the very objects of a resolution of inquiry may be to ascertain and establish facts upon which to found specific charges. If members knew already, there would be no necessity to inquire. A member might know, generally, that particular information was within the knowledge of a certain witness; that witness might be an executive officer. What authority would the member alone have to compel that witness to disclose to him facts, circumstances, particulars of time, place, and sums, every article of narration necessary to constitute a specific charge? If the charge should be inaccurately laid, the probata would not agree with the allegata, and the evidence would be excluded, though it might show the deepest guilt in some other crime or misdemeanor than that charged in the specification. Such mode of inquiry upon specific complaints only, would be but a trap for honest inquirers for the truth of good or bad administration. Who best know the facts which would constitute the guilt of executive officers, superior or inferior! The best witnesses are executive officers themselves—witnesses who now dare not speak—whose mouths are stopped by the hard-necessity for bread—whose lips are hermetically sealed by an arbitrary proscription!

"The amendment proposed to the resolution of the House, so far from inviting or challenging any one to bring forward specific charges and proof, would, under all the pains and penalties of removal from office, and of persecution, after removal, in the sanctuary of private life, ever have forbidden the best informed witnesses of the truth to speak. "Speak if you dare!" "Accuse if you dare!" would have been its language in tones not to be misunderstood by any dependant on Executive patronage.

"The resolution referred to all time. True; but the amendment proposed gave no time. A long session might be spent in threading a dark labyrinth for facts on which to found a specific complaint; when "a general and minute inquiry" would at once reveal many facts, and the witnesses be compelled to speak, and possibly be protected from proscription by the mandate of a summons and the solemnity of an oath. They might not then be excused, even in these times, for telling the whole truth in its proper garb.

"The power to inquire into the condition of Government was proved to be in Congress, or nowhere under the constitution. The power to inquire into crimes of private individuals, even against the laws and treaties of the United States, exists in every branch of the Government. Whence derived the Executive the powers to ferret out who burnt the Treasury buildings, and to reward the active, energetic citizen, whose sagacity and perseverance apprehended the incendiary? Whence derived the President the authority to inquire into the causes of the Seminole and Creek wars, and into the frauds of officers, and individuals, in purchasing Indian reservations? The power and the duty of every branch of the Government to inquire generally and minutely, was never before doubted or denied in the history of this Government. If half the zeal and activity to prevent and detect frauds, to ascertain and arrest the causes of Indian hostilities, or to prosecute Indian wars, had been employed, that have been systematically exerted to inquire into the political opinions of men, the frontiers would not now be ravaged by savage massacres, the national honor would not have been tarnished, the national arms not disgraced, and the Government would not now be decaying with corruption, and groaning under oppression.

"The objection to the resolution, that it had not been introduced until the President was about to retire from office, was not correct, either in fact or principle; that resolution, in substance, had not been delayed until he was about to retire; an attempt had been repeatedly, but unsuccessfully, made to call upon him and his subordinates for due accountability the session before the present. But if not, it was thought that the very time to settle accounts with the public servants was when he was about to leave public employment. Was it forgotten how rigidly and unsparingly the administration of his predecessor had been held accountable by Congress? An able examination of laborious search, then made, found nothing compared with the stupendous frauds, the magnificent abuses, the foul corruption, the secret guilt, the open and unblushing profligacy and extravagance which are alleged now to despoil our Government, and to disgrace its administration.

"In answer to the objection, that the resolution would impugn the veracity and integrity of the President and heads of Departments, it was replied, that such might be its effect, but such was the argument of vassals in respect to an autocrat. That the resolution was not to try the truth of accusations on the one hand, or of self-acquittals on the other: it was simply to inquire. But if it did thus impugn the Executive, so did the standing rules of the House, and so did every guaranty and security which had ever been provided against the danger of mal-administration. That it was a duty of freemen not to trust, implicitly and ignorantly, every thing to rulers. And were the representatives to fail or falter in the discharge of their duty, because the President, or any thing that was his, stood in the way?

There was no such thing as '*scandalum magnatum*' in this Government. True, members were warned that heavy penalties and curses of public odium would be heaped on them in conflict with a popular Chief Magistrate, whose frown has heretofore withered and blasted most men who have dared to incur his displeasure; but with those who dared to do their duty without fear, favor, or affection, their sense of duty was stronger than their fear or their veneration for any man or any name; they were consoled with the virtuous reflection, that they who deserved ignominy and reproach were not those who honestly sought for purity in the administration of a Government which cannot live without it, but rather they who seek to conceal the corruption which is gnawing on its vitals.

"Upon this discussion, the House of Representatives rejected the amendment requiring specific charges, and thereby declared that such should not be required before 'general and minute inquiry.' The President has said, in direct contradiction to this, that he will repel all inquiry as he would the establishment of a Spanish inquisition, unless charges specific and tangible are made.

"The House has declared that a member shall not be required to prefer an accusation before he inquires into the condition of Government; the President declares he shall be so required; and, if he does not prefer charges, or prove them when made, he denounces him and his associates as the authors of unfounded calumnies.

"The House declared that inquiry should not be converted into impeachment; the President declares that the House shall not inquire, unless it does impeach.

"The House declared this committee to be necessary and proper; the President has denounced it, in effect, to be unnecessary and improper.

"The House has said that the committee shall have power to send for persons and papers; the President has said that the heads of departments shall devote themselves to their public business, in preference to any calls for information, which he was pleased to denounce as illegal and unconstitutional.

"But the President has not only assumed to supervise and control the proceedings of the House; he has directly assumed to supervise, and has actually controlled, the proceedings of its committee. His letter clearly discloses that he had been informed by some one, necessarily a member of the committee, too, that its first proceeding was to pass a series of resolutions; that they were introduced by the chairman; and that they were amended in a particular manner in their passage. It was believed that a system of espionage was in operation in this metropolis, and began to be felt throughout every precinct of power in the land; but it was not imagined that a member of Congress on a committee would regularly report its proceedings to the President, without license to do so. That member of this committee was immediately put upon his oath, and testified that the President inquired of him for information respecting the proceedings of the committee. If he had told the Chief Magistrate of all the proceedings as particularly as he did some of the facts, he would have informed him that the resolutions, which the chairman introduced to the committee, were in nowise obnoxious to the President's objections: he would have told him that the chairman proposed not to inquire whether he had done any act 'without authority of law;' that he asked not the President to furnish evidence against himself, and imputed to him no guilt. The resolution sent to the President, as originally prepared, called for the evidence only of the public record; that of itself, it was known, would convict him, if guilty. What imputation of guilt was there in that resolution? Did it not call for information as to 'particular transactions?' Did it ask the President to convict himself more than he was already convicted by the record?

"The President's own friends, he should have been told, interpolated the odious words 'if any, without authority of law,' against the consent of the mover and his 'associates.' The very informer who rendered these resolutions odious to the President, by telling him they were introduced by the chairman, should also have told him that the words which impute to him guilt, and which ask him to furnish evidence against himself, were introduced by the informer himself.

"The resolution merely called for an account of official acts, as evidenced by the public record, which every officer is bound to exhibit when called for by competent authority; the amendment called on that officer himself to pick therefrom the evidence alone which would convict him of violation of law. The object of this amendment may have been to render the resolution improper, and the mover of it may have acted under instructions to do so. The undersigned will not affirm this to be so. But if the intention was not to put the committee in the wrong, in order that the President might obtain an advantage over it, by having it fully in his power to denounce its proceedings, it certainly was thought to be the intention of the President's friends, and it is but justice to their kind feelings

towards him to say so, to limit the call as much as possible, to make the Executive officer alone the judges of their own acts, and to afford them the opportunity of acquitting themselves by simply replying, "We have made no appointments, employed no officers or agents, paid none without authority of law." The majority of the committee took all means of forming a judgment or opinion themselves, and afforded the Executive officers the opportunity of saying generally, according to their own good opinion of their own acts, 'we are not guilty.' With this decided advantage, sought and obtained for them through their own friends, by amendments which, though they do impute guilt, insure acquittal by the accused parties' own judgment, what are we to infer from their standing mute? Now that the President has not availed himself of this opportunity of pleading 'not guilty,' or finding himself innocent, what must the world infer from his complaint against his own friends, that they called on him to furnish evidence to convict himself? Might they not dare to suggest that he has not been over-cautious in admitting that he would be obliged to convict himself, he himself being the judge of the evidence? The very object of their amendment was to afford him the chance of acquitting himself; and yet he complains that he cannot do so, and reproaches his friends for seeking to make him his own accuser 'on the authority of that body, in which alone, by the constitution, the power of impeaching him and his advisers is vested.' Sad dilemma, indeed, in which such obliging friends have placed him—forcing him to admit he cannot acquit himself! And one House of Congress cannot pass a declaratory resolution upon the President's acts, without impugning his motives, because it is to try; the other cannot inquire into his official conduct, though both his acts and motives have, as he alleges, been impugned, because it is to impeach! To what, then, has he resolved the Executive? To an inscrutable, irresponsible, unchecked, and unbalanced branch of the Government, which has all the power of committing every abuse of law and violation of duty with impunity, and all the power of concealment with certainty.

"Here it might well be solemnly asked, if his ambition had not lately been sufficiently glutted with humbling the Senate to the desecration of its own inviolable records for his sake, not to have been insatiable in seeking to subdue also the other House of Congress, which is peculiarly the House of the people, and which for years has, in too many instances, been more than indulgent to his will? In the name of the country, he might have spared some check upon the will, and not left all a wreck—a sacrifice at the shrine of one man!

"The President not only assumed to supervise the proceedings of the committee, but to control them by a bold request, which every one at all acquainted with his powerful influence well knows how to denominate an order.

"It appears that the resolutions of the committee were adopted on Monday, the 23d; that Mr. Mann informed the President of the proceedings on Tuesday, the 24th, before the President received the letter of the chairman on the same evening; that then the President told him he would, in proper time, send his answer to the committee, after he should receive a copy of the resolutions; and that he would desire the committee to examine, upon oath, such gentlemen as had charged corruption and abuses against the heads of Executive Departments; that on Friday, the 27th, less than three days thereafter, Mr. Mann called on the chairman, and on Mr. Bell, to answer the general question "whether they, of their own knowledge, knew of any acts, by either of the Executive Departments, either corrupt, or a violation of their official duties?" On that very day the letter of the President was handed to the chairman, whilst he was in the act of testifying; that the letter of the President itself did request the committee to call upon the chairman, and his associates, and every other member of Congress who had made the general charge of corruption, to testify before God and our country whether they knew of any specific corruption or abuse of trust in the Executive Departments; and if so, what it was; and that on Saturday, the 28th, the Hon. John Bell was sworn, and the Hon. B. Peyton and F. W. Pickens, of the House, and the Hon. John C. Calhoun and H. L. White, of the Senate,

* Accordingly, they did resort to this argument, as may be seen by their several letters in answer to the chairman of the committee. Take for example, the following extract from Kendall's answer, as Postmaster General, page 16, same report, viz:

"These resolutions further require the heads of Departments to communicate information to the committee in relation to acts and appointments which may have been done or made by them 'without authority of law.' If the words 'without authority of law' are to be construed as meaning in violation of law, the committee will perceive that the report of a single case by the heads of Departments, under their own administration, would, *ipso facto*, be an admission that they had violated the laws; and the report of any case of an earlier date would be to make such a charge against their predecessors," &c.

were ordered to be summoned upon the motion of Mr. Mann. From this statement of facts it seems impossible to doubt that the President of the United States did inquire about the acts of the committee; was informed by a member of the committee concerning its proceedings; did indicate to that member, in conversation, and afterwards to the committee itself, in writing, his desire that it should call upon members of Congress to testify to the truth of their speeches made on the floor of either House in debate; that the member and the committee obeyed his desire and request, and did cause those members of Congress to be summoned to testify in the manner the President had indicated in conversation and in his letter.

"Thus the President first repelled the inquiry from the Executive, and then turned it upon the two Houses of Congress. He first denounced the committee as worse than a Spanish inquisition, and then actually made his denunciation true by converting it into what he denounced. He condemned its acts as unconstitutional, then made them so. He gave it the very character he condemned, and made its proceedings as odious as he would have them to be, in attacking the privileges of the Representatives of the States and of the people. He has invaded these privileges, and violated the constitution, by holding members of both Houses of Congress directly accountable to him for words spoken in debate. He has called upon them to swear, before God and the country, to the truth of their speeches on the floor; thus holding them accountable, in the most odious and insulting manner, in the form of a test oath. He first intimated his desire to a member of the committee, who was so swift to obey his merest wish, that the chairman was called on to swear to the truth of what he had spoken, before even the official request by letter had reached the committee. Both his verbal and written, his secret and open order, were summarily obeyed by instantly summoning hoary and honored Senators, and young and inexperienced Representatives, to purge themselves on oath of their contempt to the Executive! They obeyed—not the mandate of the President, or the summons of the committee, but a sense of obligation to the country, to show that their speeches were not the declamation of demagogues, not *ad captandum* harangues, not merely "*spargere voces*," to excite false alarms or to raise a senseless clamor, but that they solemnly believed the truths they had uttered, and were ready to seal that belief with their oaths; at the same time protesting against the abuse and outrage upon their privileges. Happy if the oaths of these witnesses shall not produce more direful effects than their speeches; and happier still, for the nation, if there shall be another foundation stone left for civil liberty to rest on, when the freedom of debate shall thus be destroyed!

"The constitution expressly provides that 'for any speech or debate in either House, the Senators and Representatives shall not be questioned in any other place.' The object of this constitutional provision was to provide for such cases as that now under consideration: cases where the Senators and Representatives might deem it their duty to comment and speak freely upon the conduct of public officers and others. Who now will dare thus to speak in debate, if he may be called by the President to swear on the holy evangelists to the truth of every suspicion which he may feel it his sacred duty to utter, under the pain and penalty of being branded by the highest authority in the land with the infamy of falsehood and calumny? If this be tolerated, the Representative's mind must endure the weightiest convictions, but his tongue must be silent; the people must remain ignorant of their rulers unless he have the hardihood to peril every thing personal for their sake and the public good.

"After what has been said, it is not deemed necessary to show that the President has opposed a violent resistance to the just powers of the House and its committee, in direct hostility to every principle of liberty and law, justice and right. So far as his attack has been purely personal upon members of either House, it becomes them to remember that he is honored by office and by age. But the undersigned cannot refrain from saying, that if they had spread before them the whole catalogue of Executive offences against law, liberty, right, reason, justice, truth, principle, precedent, the constitution and the country, however numerous and aggravated they may be or have been, as the prison-houses of the departments might disclose—they would scarcely expect to find one more ruthless than this official act of the President, characterized as it is by the worst of principles, prejudices, and passions, in violation of his duty, and injurious to the public institutions and to private persons. The House—the Congress—the nation, should rebuke this act with patriotic indignation—with the indignation of freemen, of jealous lovers of liberty, and of the law by which it is secured. They should defy it as they do treason and tyranny. If this Executive act and its principles be sustained and go unrebuked—if it be settled that there shall be no inquiry into the condition of the Government, without specific charges against its officers; that in-

quary is trial and inquisition ; that public officers are to be secure in their departments, and the houses, papers, and effects belonging to the people, as private persons are in theirs ; that public officers are as the people free from scrutiny ; that they are not subject, neither indeed can be, to reasonable accountability ; that they must be impeached before they can be called on to report to the people ; that select committees shall not be appointed to ascertain abuses ; that agents unknown to the law may be protected, for that very reason, from all search into their conduct ; that there shall be no general and minute investigation ; that there is no constitutional power in the House of Representatives to inquire into the conduct of Executive officers ; that there shall be no inquiry, because it may impugn the veracity and integrity of the President, when that is the best of all reasons for inquiry ; that inquiries shall tend to render odious those who institute them ; that the President may supervise and control the proceedings of both Houses of Congress, and of their committees ; that he may resist their just powers ; that he may convert their committees of inquiry into inquisitions upon themselves ; that he may officially denounce their proceedings, grossly insult their members in the discharge of their duties, and violently trample upon their most sacred privileges—then is utterly gone all purity, all honesty in this Government, its strength, its dignity, its glory, its freedom itself !”

[The details of Executive usurpation and official abuses developed by this investigation, notwithstanding the active partisan guardianship of the majority of the committee, are more shocking than the general terms of the foregoing extracts can convey. I shall subjoin two cases only, from the same report, pages 79 to 81.]

“The undersigned deems it to be his duty to present, also, another subject clearly before the House and the nation.

“On the 11th of July, 1836, the Treasury Department issued a circular to the land receivers and deposite banks, requiring specie in payment for the public lands. This circular, it is believed, was dictated by the President, without the concurrence of the Secretary of the Treasury ; it is believed to have benefited speculators in the public lands only, many of whom are charged to be officers of the Government ; and the circular itself was thought to be, if not in violation of law, a suspension of law—at least in violation of a sacred principle of civil liberty ‘that all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.’ The circular was an abuse in itself, but its application, or rather the exception in its application, was a greater abuse still, as the following correspondence between the Branch Bank of Alabama, at Decatur, and the Secretary of the Treasury, will show.”

[The letter of the cashier making the request, and the answer of the Secretary of the Treasury granting it, are here omitted.]

“Thus, by this circular, and this exception under it, not only were the laws suspended, but their *uniformity* destroyed, by the authority of the President alone, immediately after Congress was in session. One portion of the people was accommodated, in being allowed to pay for public lands in convenient bank notes, whilst their neighbors were obliged to pay in specie, at every cost and trouble, and risk of transportation. One bank’s notes were received to any amount less than \$500,000, whilst the banks of the surrounding States, or of Tennessee at least, were run hard for every dollar of coin which could be had. The presidential election was then fast approaching ; and what effect this indulgence, and that contained in the circular as to bank notes of Mississippi banks, for lands in Mississippi, had upon the people of the two States, Alabama and Mississippi, it is not difficult to determine.

“There are a number of other cases which might be selected from the testimony, the whole mass of which is submitted, but the committee has not had time to report particularly upon them. The undersigned, however, would call the attention of the House particularly to a report of Amos Kendall and John P. Van Ness, commissioners appointed, by authority of the President, to receive and report testimony touching certain charges preferred by H. Gassaway ; and also to the testimony of Commodore Morris and Charles W. Goldsborough, in relation to said charges, in the appendix to the journal of this committee. One thing is remarkable about this notable commission, that the commissioners it seemed issued subpoenas for witnesses in the form of “*request*,” and it is believed that one or both of them administered corporal oaths. How far the constitution of this tribunal was in the competency of Executive authority, the undersigned is not prepared to say. But this [they] are prepared to say : that, whilst the President was denouncing this committee as worse than a Spanish inquisition, he should have looked well to his own acts in instituting commissions of inquiry. Certain it is that, though these commissioners reported very

strongly against several officers in the Navy Department, not one of them, as far as this committee is informed, has ever been removed from office." * * *

"For other matters also of great interest, the minority must refer generally to the testimony of the honorable H. L. White, John Bell, Balie Peyton, Francis W. Pickens, Henry A. Wise, Amos Kendall, David Henshaw, John Ross, and others who were examined. Many who were summoned and sworn could not be examined; some for the want of time, and others because they would not have been permitted to testify as to the matters of evidence for which they were called." * * *

(Signed)

"HENRY A. WISE.

"FEBRUARY 27, 1837."

The reader can now appreciate the impression which I must avow was made on my mind by the perusal of the foregoing extract, that the proceedings of the aforesaid committee presented one of the most interesting spectacles to the cause of liberty ever exhibited since the memorable struggle of the patriots of '76—a period rendered notable by a thousand incidents; of which the early denunciations of the tyranny of *George III.*, by the illustrious *PARRICK HENRY*, in the Colonial Assembly of Virginia, was not the least remarkable, and unto whose course the likeness is not altogether unapt, in that of the youthful member of the House of Representatives, who stood up fearlessly and almost alone in the committee, the champion of *Executive reform*, over the shoulders of him who had acquired the *ferocious reputation of destroying all who dared incur his displeasure*. It has also been seen with what unexampled ability and perseverance this youthful statesman detected and exposed the *dictation* and the *hectoring* practised on either hand, by that arbitrary executive chieftain, towards members of both Houses of Congress, (his partisans on the one side, and political opponents on the other,) in double violation of their constitutional privileges and his own official duties; while, in many instances, this stripling in years but giant in intellect and characteristic intrepidity, also unmasked the hardy attempts of the same haughty and domineering personage, to conceal the corruptions of his subordinate executive officers—demonstrating, at the same time, *the futility of the constitutional provision for Executive impeachment by tribunals thus liable to be humiliated at the footstool of EXECUTIVE INFLUENCE, however heinously that officer might be involved in HIGH CRIMES and MISDEMEANORS against THE PUBLIC WEAL!*

XIV. But if the steadfast upholding of the Executive (by the majority of the aforesaid and other committees pertinaciously *obstructing* and *hindering* the investigation of the graver matters of inquiry brought before them, and thereby becoming auxiliaries to the concealment of the monstrous frauds that had commenced and were daily increasing from the beginning of the Jackson era) served at the same time to augment the number and enormity of those frauds, by the additional impulses and fecundity derived from the temporary security and official protection of that assumed *executive unity* which arrogates to itself the sole responsibility for all the official acts of his subordinates, yet it also had a tendency to accelerate that exposure which only awaited the casualty of changes in party majorities, that it was of itself gradually bringing about, in the minds of honorable representatives of freemen, jealous of their rights; who, at some future day, would have it in their power to lay open *those hot-bed corruptions of Jacksonism* to public inspection, amazement, and universal execration.

Accordingly, as soon as a temporary whig majority in the House of Representatives became propitious for investigation, a call, by resolution, at the September session of 1837, was made on the Secretary of the Treasury for a list of defaulters, with an abstract of the correspondence of the Department thereon. The *ir-responsible* chieftain, who, with that extraordinary enchantment of personal popularity which constitutes the momentary safety of usurpation and despotism, had guarded the public plunderers from exposure, being then officially defunct, the call of the House was complied with, under the administration of the present cunning substitute for his iron-willed predecessor; and it would seem, at the same time, to befit his policy, under the altered circumstances of the case, to make a merit of diverting public attention from that formidable catalogue, to the magnificent embezzlement by the collector of New York, the mention of which had probably been reserved from that list for a subsequent voluntary exposition by the Executive, in order to appropriate to himself some credit therein, with an accompanying suggestion of legal remedies against the like frauds that might be committed in future, when, in fact, there was no defect in the laws and regulations already and long since existing, from the act of the 2d September, 1789, with the regulations of successive Presidents and Secretaries of the Treasury, particularly of Gallatin and Crawford, but which had fallen into desuetude, by official dereliction, from the commencement of Jackson's administration.

This shallow device, however, did not serve its intended purpose; for, in consequence of the politic communication of the President, at the next session of Congress, in relation to this subject, a select committee of the House of Representatives (the temporary whig majority being still propitious for investigation) was elected by ballot, consisting of Mr. Harlan, Mr. Wise, Mr. Curtis, Mr. Dawson, Mr. Hopkins, Mr. Smith, Mr. Foster, Mr. Owens, and Mr. Wagener, "*to inquire into the extent and character of said default; and also to inquire into and make report of any other defalcations among collectors, receivers, and disbursers of the public money, which may now exist,*" &c. &c.

Without going into any of the particulars of the report of the said committee, which, in the appalling aggregate, under all the circumstances, show that *the whole revenue of the country* was placed in *imminent jeopardy* by the pervading and systematic defalcations of nearly all the officers concerned in its collection, attended with corresponding neglect or connivance therein by the high accounting officers of the Treasury Department, with the necessary privity and secret sanction of the President—it must suffice here to state, in general terms, that the said report (*No. 313, 3d session, 25th Congress*) establishes, by indisputable and multiplied evidence, the following facts, viz:

1. That Swartwout's defalcation and application of the public money to his own use, began within nine months after his appointment as collector, in 1829. (*See Report, page 26.*)

2. That it continued to increase, under the silent acquiescence and culpable neglect of the accounting officers of the Treasury Department, and the naval officer at New York, until 1837, when, having lost party favor, he endeavored to conceal his defalcations by means of fraudulent and false returns. (*See pages 22, 25, 33.*)

3. That, from his notorious character and pecuniary irresponsibility, Samuel Swartwout was an unfit person for such an appointment, or to be retained in office, from the date of his commission, throughout the period he served. *See pages 28, 29.*

4. That every temptation and facility were afforded him, during that period, by the naval officer "disregarding the requirements of law and the instructions of the Treasury Department, (of long standing;) his culpably neglecting to keep the accounts and records appertaining to his office, and thereby rendered the office nugatory as a check upon the accounts of the collector." (*See pages 41, 72, 73.*)

5. That the several successive Secretaries of the Treasury, (four,) and their chief clerks during the same period; the successive First Comptrollers, (three,) and their chief clerks; the successive First Auditors, (two,) and their chief clerks, with other subordinate accountants, were implicated in the same, by flagrant violations of law and the long-established regulations of the Department; neglecting to examine Swartwout's monthly and quarterly returns, and discontinuing the books established for the record of the same—to the end "that, while a part of this important system of the Treasury Department, designed to guard and preserve the public revenues against speculations and frauds, has been permitted to fall into oblivion, and another fragment of it has been continued to be made to this day, neither the part abandoned nor the part continued has ever been known to, or comprehended, and much less appreciated *in use*, by either the head or any subordinate clerk in the Treasury Department." (*See pages 42, 43, 48, 81.*)

6. That the facts of progressive defalcation were avowedly known to certain subordinate officers in the customs at New York, and in the Treasury Department at Washington; but that they did not speak of it in a manner calculated to excite the attention of their superiors: on the contrary, Mr. Shultz, whose situation as clerk in the customs at New York made him personally acquainted with those transactions, excused himself before the committee, for not having made disclosures respecting them, by saying, "because we clerks of the custom-house consider ourselves *as in the service of the collector and not in the service of the United States*"—affording a valuable instance of custom-house morality and patriotism. (*See pages 91, 265.*)

7. That the present collector, Mr. Hoyt, was in a promising way of following the footsteps of his "illustrious predecessor," "having violated the standing instructions of the Treasury Department; having repudiated the official decision of the responsible law officer of the Executive department, (the Attorney General;) and is guilty of an illegal retention and use of the public money, in the amount held by him under protest and for unascertained duties"—[probably upon the JACKSONIAN NOTION of *executing the laws and the constitution AS HE UNDERSTANDS THEM!*] (*See page 141.*)

8. That Wm. M. Price (late district attorney at New York, whose defalcation, according to the testimony of B. P. Butler, Esq., his successor in office, was \$72,124 06, more or less) was notorious for his pecuniary irresponsibility and want of trust-worthiness, as a

professional man, in the community from which he was selected, at the time of his appointment to the important office of district attorney, in 1834, by President Jackson, as also at the time of his reappointment, in 1838, by President Van Buren—according to the testimony of many of the oldest and most respectable citizens of New York, several of whom testified to his bearing that character through an acquaintance with him of twenty and thirty years' duration. (See pages 99 to 105.)

9. Also, that a tax, *pro rata*, from one to six per cent., was regularly assessed on the salaries of clerks and other officers in the customs, with the privy, sanction, and participation of Swartwout, Price, Hoyt, and other principal officers, to be devoted to the *electioneering*, and other political purposes of what they termed the "democratic republican party;" which payments were regularly and rigidly exacted by executive committees, as the price of their salaries, the refusal to pay which tax, in some instances, was attended by dismissal from office; and that those proceedings were held to be "STRICTLY CONFIDENTIAL." (See pages 249 to 252.)

10. That "the defalcations among the RECEIVERS of the public moneys, arising from the sales of public lands, with the correspondence had between the Treasury Department and said defaulters, show the manner in which the President of the United States and the Secretary of the Treasury have executed the laws in respect to the public money in the hands of this class of public officers, and in respect to their own official duty." (See page 142.)

11. That "the practice which the said correspondence exhibits, of retaining men in office after gross and repeated violations of law, in keeping and using the public moneys for private speculation, and the character of the correspondence itself, but too clearly point to the inference that such officers were retained in place because they possessed extensive political influence, and were useful and active partisans." (See page 143, and the correspondence from page 147 to 246.)

The general character of the correspondence just mentioned, between the Secretary of the Treasury and the defaulting receivers, may be derived from two or three specimens—from that with Harris, Boyd, Spencer, and Linn.

Through the course of a very long correspondence with Wiley P. Harris, receiver at Columbus Mississippi, the Secretary of the Treasury, during an uninterrupted period of nearly three years, (from 15th January, 1834, to 27th August, 1836,) makes conciliatory remonstrances with Mr. Harris, as with others, for continual neglect to make out and forward regularly, his monthly returns of sales, and deposits of public money. On the 28th August, 1835, the Secretary addressed Mr. Harris thus :

"SIR: Agreeably to the *intimation* given you in my letter of the 20th June, it has become my *disagreeable* duty to report your continued neglect to the President; who has instructed me to say to you, that if the monthly returns required from you by the regulations of the Treasury, which are in arrears, are not received at the Department on or before the 10th of October next, you will then be dismissed from office.

(Signed) "LEVI WOODBURY."

Upon the receipt of this notice, it appears that Mr. Harris took measures to procure letters from his "democratic" friends, to President Jackson, to stay action in the case, on electioneering and political party grounds. I take the following extract from the letter of the Hon. John F. H. Claiborne, to the President, dated 15th September, 1835.

"DEAR SIR: Many of the early and *constant friends of the Administration*, in this State have heard, with much regret and sorrow, that the present receiver of public moneys, at this place, is to 'consider himself dismissed, unless his returns are made before the 1st of October.' * * * * 'From my knowledge of the business of the office, I do not think it possible that the receiver can *accomplish* his returns by the 1st of October,' [meaning that he cannot make his deposits to the credit of the Government; which is supposed by the laws and regulations to be perfectly practicable, and is required to be done monthly. After an abusive attack upon Mr. Poindexter, doubtless to propitiate the President's ear for the political argument that was to follow, he goes on and says,] 'Nothing would rejoice him [Poindexter] more than the expulsion of General Harris, whom he knows to be one of the main pillars of the *democratic cause*, and one of the earliest and most distinguished friends of the administration in Mississippi. His family and connexions are extremely influential, and all of them are co-operating with us in the arduous struggle which we are now making. They are TRUE DEMOCRATS; and the bank, nullifying, and White PARTIES would shoot for 'victory' at any blow aimed at them.

"WE ARE NOW IN THE MIDDLE OF AN ELECTIONEERING CAMPAIGN.—GOVERNOR RUNNELS, R. WALKER, MAJOR B. W. EDWARDS, and MYSELF, constitute the DEMOCRATIC VAN BUREN TICKET. IT WILL BE A CLOSE CONTEST!"

Ergo—"Better let General Harris be" and keep his hundred thousand dollars of the public money, rather than alienate a few votes from Mr. Van Buren, was the palpable proposition which Mr. Claiborne set out to establish, and which he doubtless did prove, to the satisfaction of General Jackson, as the next letter from the Secretary to Mr. Harris postponed the matter, by authority of the President, "trusting to his assurances, and those of his friends, made in his behalf," &c. Yet Harris's delinquencies went on from bad to worse, for nearly a twelvemonth longer, as is apparent from the details, until, on the 6th June, 1836, Mr. Woodbury addressed him thus :

"SIR: Your letter of the 23d ultimo, accompanied by your returns for the month of April, is received. Seeing the *balance* of public moneys in your hands amounted to \$128,584 70, at the end of that month, I have to request that you will explain *why it was* that the *WHOLE* of the public moneys in your hands on the last of the previous month, was not deposited, instead of a *PART*, in conformity to explicit and frequent instructions on that point? *It is painful to be obliged to ask you so often for explanations.*
(Signed) "LEVI WOODBURY."

Shortly after this, having given no satisfaction to the department, this Mr. Harris, the "main pillar of the democratic cause" in Mississippi, addressed a letter to the President, dated 27th August, 1836, tendering a resignation of his office, holding on to more than one hundred thousand dollars of the public money, and recommends a particular friend, of his as his successor. The conclusion of his letter runs thus:

"* * * "I wish my resignation to take effect from and after the last day of the present month, (August,) at which time I shall, in anticipation, close up the business of the office.
"In conclusion, I will take the liberty of recommending to you for appointment, as my successor, Colonel Gordon D. Boyd, of Attala county. You are probably acquainted with his public character, as he has been for several years a prominent member of our State Legislature, and has been throughout an *ardent supporter of your Administration, and an unyielding advocate of the principles of democracy!* This request is made in his behalf, in part, *on my own account.* As he is my *warm personal friend*, he will willingly afford me every facility in his power to trace out and explain *ANY ERRORS which may have occurred while the office was under my charge.*
(Signed) "W. V. HARRIS."

Accordingly, Mr. Boyd was appointed, under a recommendation, that, to most men, would have been among the best reasons why he should not have been appointed. And, in less than twelve months from the date of his appointment, this "unyielding advocate of democratic principles," as was to be expected from the source and tenor of his recommendation, perpetrated a full-handed defalcation, of which the reader will learn enough to characterize a host of the like cases, from the following extract from the report of V. M. Garesche, appointed to examine the land offices, dated at Columbus, (Mississippi,) June 14, 1837, viz:

"The account of the receiver, which I have made out, and transmit herewith, presents against him a balance of \$35,965 54." * * * "The man (Boyd) seems really penitent; and I am inclined to think in common with his friends that he is honest, and has been led away from his duty, by the example of his predecessor, and a certain looseness in the code of morality, which here does not move in so limited a circle as it does with us at home. [Then God help them.] Another receiver would probably "follow in the footsteps" of the two. You will not, therefore, be surprised if I recommend his being retained, in preference to another appointment; *for he has his hands full now, and will not be disposed to speculate any more!*
(Signed) V. M. GARESCHÉ."

Let us pass now to a brief notice of the correspondence with John Spencer, receiver at Fort Wayne; from which it will be perceived that the same party influence so adroitly and effectually urged in behalf of Harris, by the Hon. J. F. H. Claiborne, was, with equal success, held up by the Hon. William Hendricks, as an argument to the Secretary of the Treasury to tolerate his official derelictions of duty. On the 13th August, 1836, Mr. Woodbury addressed Mr. Spencer in relation to his default as follows:

"SIR: Your letter of the 28th ultimo, enclosing your monthly return for June, is received. Seeing that the *balance in your hands* amounts to the sum of \$100,599 32, I must require that the same be transmitted, to the bank of deposit forthwith, and request you to *explain* why the amount has been *so long* retained in your hands. No answer to my letter of the 5th ultimo, has been received.
(Signed) "LEVI WOODBURY."

Shortly after the above, the party influences of the Hon. William Hendricks is procured, which succeeds, as a matter of course, by a letter to the Secretary, dated 31st August, 1836, as follows:

"SIR: I am informed that some things are stated recently to the prejudice of Colonel John Spencer, receiver at Fort Wayne; and *I am requested to write to you.* In doing so, I can only say, that I have been gratified in learning that his deposits have been made to your satisfaction; and, if so, I hope that minor matters, if mere irregularities, will be overlooked. He is required to be an honest man, and I do not believe that he has intentionally either done wrong or violated his instructions. *It would to some extent produce excitement if he were removed, for he has MANY WARM AND INFLUENTIAL FRIENDS,* both at Fort Wayne and in Dearborn county, from which he removed to his present residence. *BETTER LET IT BE!*
(Signed) "WILLIAM HENDRICKS"

If there can be distinguishable degrees of culpability in the countenance and protection given by the Executive to these defaulters, that exhibited in the case of William Linn, late receiver at Vandalia, Illinois, is the most reprehensible that has come under my notice.

On the 23d June, 1834, he was addressed by Mr. Taney, then Secretary of the Treasury, complaining of his retention of the public moneys in his hands, in violation of the regulations and provisions of law—stating, at the same time, the sums he had omitted to deposit in March, April, and May preceding.

On the 23d October, 1834, Mr. Woodbury addressed the same Mr. Linn, complaining of his continued neglect, and threatened his removal from office, as per the following extract:

"Observing from your monthly return of the 30th ultimo that, notwithstanding the positive injunction contained in a letter from the Department, dated the 23d June last, (of which a copy is herewith enclosed,) the

public moneys have been permitted to accumulate in your hands, in violation of the law and instructions of the Department, since the 31st of May last. I am constrained, by your continued neglect, to call your immediate attention to the subject, and again to require that the whole of the public moneys in your possession be deposited forthwith. Unless you exhibit to the Department satisfactory evidence of your having done so prior to the 1st day of December next, it will be my painful duty to submit the case for the action of the Executive, and to recommend the appointment of another person as your successor.

(Signed)

"LEVI WOODBURY."

Did the contumacious Mr. Linn comply now, think you? Let the next letter of the Secretary, dated on the 4th of December, above specified, give the answer. He says to Mr. Linn:

"SIR: Allow me to inquire why it is that your letter of the 15th ultimo is entirely silent as to your neglect to comply with the positive directions contained in a letter from the Department dated 23d June last, and that you still neglect to pay over the public money in your hands, or to furnish the statement as required by my letter of the 23d ultimo, and a statement of your advances to Colonel Ogden.

(Signed)

"LEVI WOODBURY."

The reader, who is unsophisticated in the mysterious devices and hardy resources of an iron-willed, irresponsible, party Executive, or rather President of a faction, would rationally conclude that Mr. Linn's dismissal must now be forthcoming, of course. No such thing; on the contrary, the next thing that followed (only two months after, at the expiration of his term,) was the annunciation of his reappointment by President Jackson, as an "evidence of the President's regard," in a letter of the 12th February, 1835. The reader may now well guess what followed in due season; nothing more nor less than continued remonstrances of the same kind, until Mr. Linn saw fit to send in his resignation of office, having secured a defalcation in hand of \$55,962 06. A resignation is always considered an honorable withdrawal from office, *if accepted*; but when the circumstances of misconduct forbid such an admission, the resignation is *not accepted*, but a *dismissal* takes its place. In this case there was no dismissal, but the resignation was accepted by President Van Buren, which emblazoned it as an honorable retirement from office, with fifty-five thousand dollars of the public money in hand! Yet, to the public ear, Mr. Van Buren has sounded a different note on this very subject of defaulters, by recommending the penitentiary as their abode—though on another, and more recent occasion (his message of last December) he has pronounced this criminal desecration of public money by individuals, in violation of law, as more excusable and proper than the use of it by corporate institutions, receiving it on deposit, with the legal permission to use it under certain restrictions, the which opinion will, doubtless, be deemed good authority for sub-treasurers to quote hereafter. I subjoin the letter accepting this resignation, as a curiosity of its kind:

"TREASURY DEPARTMENT, January 26, 1838.

"SIR: Your letter of the 7th instant is received, and your resignation is accepted by the President. I regret that so LARGE a balance stands un-adjusted in your hands, and trust [trust, after four years successful practice in the arts of a defaulter, repeatedly threatened with dismissal, therefore to no avail, and reappointed in the meantime as a reward, *trust indeed?*] that certificates of deposit, for the amount with the Bank of Missouri, will, *without delay*, be forwarded here. [It would have been just as rational to have written to him to keep the money.]

(Signed)

"LEVI WOODBURY."

"WM. LINN, Esq., Vandalia."

Though it is sickening to dwell upon this disgusting subject of *party corruption*, I shall not leave it without giving a list of the principal defalcations that commenced, and went on geometrically increasing yearly, from the beginning to the end of Jackson's Administration, thrusting with accelerated impetus into that of Van Buren, and perhaps yet unabated; but which were, for the most part, successfully concealed from the public, till the great *desideratum* of the "spoils," under the guise of "democratic principles," was accomplished by the election of the FAVORITE NOMINEE of the GREAT IRRESPONSIBLE!

List of the principal defaulters from 1829 to 1839.

A. W. McDaniel, Washington, Mi., 1830	-	-	-	-	\$ 8,128
W. L. D. Ewing, Vandalia, Il., 1830	-	-	-	-	16,751
G. B. Crutcher, Choctaw, Mi., 1832	-	-	-	-	6,061
D. L. Todd, Opelousas, La., 1832	-	-	-	-	15,095
John Hays, Jackson, Mi., 1831	-	-	-	-	1,386
G. B. Dameron,* Choctaw, Mi., 1834	-	-	-	-	39,059

* By looking at and comparing the repetition of defaults perpetrated at the same land offices by successive receivers, it will be perceived how contagious that convenient pledge had become, of "following in the footsteps of their illustrious predecessors." But as my purpose here is to make a remark or two in relation to another matter connected with Mr. Dameron's official conduct, who had so soon followed the footsteps of his predecessor, and set the like example for the adoption of his own successor, I shall say no more on those parallels.

This Mr. Dameron had a partner in iniquity in no less a personage than the far famed Samuel Gwynn

W. M. Green, Palmyria, Mo., 1835	-	-	-	-	\$2,312
Joseph Friend, Washita, La., 1835	-	-	-	-	2,551
Wiley P. Harris, Columbus, Mi., 1835	-	-	-	-	109,178
L. Hawkins, Helena, Ark., 1835	-	-	-	-	115,462
A. McCarty, Indianapolis, In., 1836	-	-	-	-	2,461
B. S. Chambers, Little Rock, Ark., 1836	-	-	-	-	2,146
M. Cannon, New Orleans, La., 1836	-	-	-	-	1,376
Wm. H. Allen, St. Augustine, Fla., 1836	-	-	-	-	1,997
John H. Owen, St. Stephens, Al., 1836	-	-	-	-	30,600
William Taylor, Cahawba, Al., 1836	-	-	-	-	23,116
Richard K. Call, Tallahassee, Fla., 1836	-	-	-	-	43,498
B. R. Rogers, Opelousas, La., 1837	-	-	-	-	6,624
S. W. Dickson, Choctaw, Mi., 1837	-	-	-	-	12,229
U. G. Mitchell, Cahawba, Al., 1837	-	-	-	-	54,626
J. W. Stevenson, Galena, Il., 1837	-	-	-	-	74,859
Benjamin F. Edwards, Edwardsville, Il., 1837	-	-	-	-	7,421
T. W. Beall, Green Bay, Mich., 1837	-	-	-	-	36,097
R. H. Sterling, Chocchuma, Mi., 1837	-	-	-	-	11,762
G. D. Boyd, Columbus, Mi., 1837	-	-	-	-	60,198
G. W. Owen, Mobile, Al., 1838	-	-	-	-	11,173
A. S. Thruston, Key West, Fla., 1838	-	-	-	-	2,822
J. T. Canby, Crawfordsville, In., 1838	-	-	-	-	39,013
P. Childress, Greenburg, La., 1838	-	-	-	-	12,449
B. T. Brown, Springfield, Mo., 1838	-	-	-	-	3,600
William Linn, Vandalia, Il., 1838	-	-	-	-	55,962
S. Y. Scott, Jackson, Mi., 1838	-	-	-	-	12,550
J. L. Daniel, Opelousas, La., 1838	-	-	-	-	7,290
S. T. Pollock, Crawfordsville, In., 1838	-	-	-	-	14,890

then register of land purchases in the same office where Dameron was receiver. These gentlemen very soon after their appointment to these responsible offices, which are contemplated by law to be checks on each other, established a privileged corporation, of Dameron and Gwynn, to monopolize the swindling and shaving of land purchasers in various ways, of which one was to take their notes at six months, for one hundred per cent. advance on the price of lands entered, and pocketing the excess, instead of receiving cash payments for the lands according to law, without additional charge. This practice was clearly proved against this and other land districts, by the report (No. 73) of the Senate's committee in 1834, already quoted, page 52. The notes were generally taken by Gwynn and Dameron, as a company, practically according with the Locofoco doctrine that all corporations should be self-created.

Now mark—the senior partner of this firm was no other than the Mr. Gwynn lately referred to in an elaborate “appendix to democratic address,” in the Richmond Enquirer of the 12th instant, (March), as the political confessor of Mr. Van Buren, on the subject of slavery, in 1831, to prove he was “a Northern man with Southern feelings.” The same Mr. Gwynn was also the highly favored correspondent of Mr. Ritchie of the Enquirer, in 1831 or ’32, in an effort to vindicate Genl. Jackson’s invasion of Florida, under the administration of Mr. Monroe, when Mr. Calhoun was Secretary of War, and which had, in 1829, been made an occasion, by Mr. Van Buren, for a breach between Genl. Jackson and Mr. Calhoun, in order to create political capital for the arch intriguer, with consequent injuries to Mr. Monroe and Mr. Crawford: all of which had been allowed to lay low until Mr. Calhoun had served out his apprenticeship in the election campaign for Genl. Jackson, when he was destined to be turned over to the bloodhounds of the Van Buren party to devour; how these personages have reconciled these things, since, is another matter.

The same Mr. Gwynn was a great favorite, and no doubt a “strictly confidential” friend, of Genl. Jackson, who commissioned him as register of the land office at Mount Salus, in the aforsaid Choctaw district, Mississippi, on the 1st October, 1831; and, anticipating his rejection, withheld his nomination to the Senate till the last of the next session of Congress, when he was rejected accordingly. Immediately after the adjournment he was commissioned a second time, on the 21st July, 1832, by Genl. Jackson, for the same office; and his nomination withheld, as before, till the last of the next session, when he was again rejected, on the 24 March, 1833. But this was not enough for an iron-willed President, who had a friend like Gwynn to stick to through thick and thin, though he break down the constitutional check of the Senate. So, “go ahead hard head,” was not inapplicable in this case, and Gwynn was, for the third time, commissioned, immediately after the adjournment; and his nomination was again withheld, till the last of the next session; when, in consequence of an intimation from Genl. Jackson to a Senator, that, if Gwynn were again rejected, he would close the land office at Mount Salus, *his nomination was agreed to!*

No doubt Genl. Jackson had strong political reasons for thus outraging the Senate in his adhesions to Gwynn; for which Gwynn demonstrated a gratitude worthy of battermen, to the cost of his life, in a political quarrel shortly after. But whether Gwynn’s communications to Mr. Ritchie of the Richmond Enquirer, and to Mr. Van Buren, and Mr. Van Buren’s answer to him, were concocted between Genl. Jackson and Mr. Van Buren, for electioneering effect, with Kendall’s fingers to mould and touch them, or not, is perfectly immaterial to establish the official electioneering character of them, as it can be easily proved by numberless witnesses, that they are in character with a general system of the same sort of *electioneering drill*, that has been undefeatably practised by the Executive, ever since Genl. Jackson came into office, and of which Kendall is the demon spirit; it is equally certain that in all the disastrous and revolutionary measures of both Presidents, Kendall has been the acting President of the United States for 12 years, the personages elect having been but nominal incumbents, under whose names his fancies have been clandestinely imposed upon a much-abused and too-confiding public.

Morgan Neville, Cincinnati, O., 1838	-	-	-	-	-	\$13,781
M. J. Allen, Tallahassee, Fla., 1838	-	-	-	-	-	26,691
Samuel Swartwout, New York, 1838	-	-	-	-	-	1,225,705
William M. Price, New York, 1838	-	-	-	-	-	72,124
Gen. N. Smith, Macon, 1839	-	-	-	-	-	100,000
Abraham Bird, Palmyra, Mo., 1839	-	-	-	-	-	17,000

This list, with the omission of a great many smaller sums, still exceeds two and a quarter millions of dollars of the public money embezzled by public officers; besides which, there has been, since the official reports of these cases, a considerable number of other defalcations brought to light, that would probably make an aggregate very little short of three millions.

It may seem to be an act of injustice to some few of the persons in the above list, who have, under process of law or voluntary settlement, since reduced or refunded the sums due to the Government, still to be included among other defaulters. But, in my apprehension, there is no other difference in their cases than that of *having the ability*, under necessity, or penitent inclination, to pay, on the one part; and that of the *want of the ability*, under necessity, whether inclined or not, to pay, on the other part. The defalcation consists in the embezzlement and application of public money to private use, in the first instance. Whatever becomes of it afterwards, in the prosecution of justice, is another affair, that may or may not result in settlement, and surely not in converting the immorality of the first wrong into a merit, though it may be forgiven, under favor of penitence, in Heaven.

Without going further into these particulars, it is now sufficiently manifest that most of these defalcations with those of thousands of postmasters, and bonuses in the form of extras paid to electioneering mail contractors, constitute a part of that **EXTENSIVE MACHINERY** (*the main-spring being located at Washington*) BY WHICH THE ELECTION OF MARTIN VAN BUREN WAS ACCOMPLISHED: A **DEAR BOUGHT PRESIDENT INDEED!** if we were also to include in the estimate the *uncounted millions of those incidental costs to a ruined commerce, and general prostration of business, with the bankrupt institutions and morals of public men*; leaving the country in a poor condition for the encounter of a foreign war, which, no doubt, would be gladly incurred at the present crisis, TO EFFECT A **POLITICAL DIVERSION AT ALL HAZARDS**. Universal echo says, "*a dear bought President!*" But, however dear those costs, yet I should deem them not too dear if they lead to the establishment of **ONE TERM FOR THE PRESIDENCY hereafter**, whereby it is certain all these evils that flow solely from *Executive electioneering*, will be prevented, and the country saved from the revolution that now imminently threatens her: but if not, *then* A **DEAR BOUGHT PRESIDENT may lead to the purchase of A STILL DEARER BOUGHT MONARCH!**

Indeed, the most gloomy portraiture of public affairs that could be drawn would be no fancy sketch; on the contrary, it would be the true impress of the sentiments of many of the most patriotic hearts; and I have the evidence at hand, that such despondency and grief has been sincerely entertained by a venerable patriot and philanthropist, expressed as a voice from the grave, in the last moments of his earthly career of an active, useful, and benevolent life. After taking a melancholy survey, in frequent conversations with me during the last summer, in Philadelphia, of the astounding developments of frauds and Executive misrule, the exemplary, beloved, and regretted Mathew Carey, in a letter of the 30th August last, a few days before his demise, gave vent to his feelings in the following impressive strain:

"I am greatly below par. I am fearful that the state of the country is hopeless. Public morals are at the lowest ebb: and private share a portion of the same fate. Regard for self appears to be the predominant feeling: 'Every man for myself,' as the Dutchman said when he had seized all he could lay his hands on. Prospects have heretofore been very gloomy, perhaps almost as gloomy in some points of view as at present—but we could, always heretofore, see 'a little cherub smiling aloft' to cheer us on our way; but no telescope can enable us to see 'a cherub aloft' at present."

But since the Harrisburg nomination has been received with such universal, such enthusiastic rejoicing, who can say he has not again seen "a little cherub smiling aloft" to cheer us on our way! Indeed, I could wish it had been consonant with the will of Providence to have permitted that good and benevolent man to dwell a few months longer with us, that he, too, might participate in the general joy that now thrills every true republican's breast at the certain prospects of reproof from the People, despatched to their present faithless stewards, ON THE 4TH OF MARCH NEXT, *by the hands of* THE UPRIGHT AND FAITHFUL WILLIAM HENRY HARRISON!

ADDITIONAL NOTE ON PAGE 36

"The malign and revolutionary object of destroying all our institutions, State and Federal, with the obvious ulterior view to spoliation and plunder, secretly cherished by that clandestine and irresponsible adviser of the President," &c.]

Having in a note, page 43, quoted a passage from a speech of the Hon. C. Cushing, on the rejection, by the Jackson party in the Senate in 1828'-29, of a nomination to fill a vacancy on the bench of the Supreme Court, as an evidence of the commencement of the spoils, preceded by another passage from the same speech, showing the direful consequences that were following in the train of that small beginning; and having, presently after, page 44, adverted to the *final object* of the jacobin faction, sought to be consummated by means of those spoils, desecrated under Jackson's popular influence; I cannot now more appropriately demonstrate the connexion that the *clandestine* jacobin operatives have been working out, through a series of years, between that small unsuspected beginning, and the consummation of all their desires, now just tantalizing their itching palms, in concentrating the whole public treasure in the executive keeping, so that they may have the *sineus*, the sword, and all the *munitions of war* in their exclusive control, than by inviting the attention of the reader to a few extracts from the "Narrative and Correspondence concerning the Removal of the Deposites, and occurrences connected therewith, by Wm. J. Duane," late Secretary of the Treasury, in which he gives an account of the clandestine influence of persons at Washington, (Kendall, Whitney & Co.) in fabricating and putting the whole of this machinery in operation, in despite of the President's constitutional council of cabinet officers. By these extracts, it will also be seen, that General Jackson's *fidelity*, *veracity*, and *sincerity* have been deeply impugned, in sundry instances, by his own admissions, by the statements of R. M. Whitney, Esq., and by various incontestable facts contrasted by Mr. Duane, to that effect, and with which his book everywhere abounds; as well as with evidences of the most flagitious efforts to *bribe*, to *coax*, and to *intimidate* him (the Secretary) into a compliance with the President's schemes of wicked ambition and "lustful spirit of domination," against the united authority of Congress and of the Judiciary. Regretting that I cannot devote a larger space to extracts from that precious and rare document, the reader must be content with the following, viz:

1st. Extract from Duane's Narrative, page 5.

"Although changes in the cabinet had been thus provided for, [ever since the December previous] they were not made until May, 1833. My commission bore the date of the 29th of that month, and on the 30th I reached Washington. After waiting upon the President on the next day, I went to the Treasury Department, and took the oath of office on the 1st of June. On the evening of that day, Mr. Reuben M. Whitney called upon me at my lodgings, at the desire, he said, of the President, to make known to me what had been done, and what was contemplated, in relation to the U. S. Bank. He stated, that the President had concluded to take upon himself the responsibility of directing the Secretary of the Treasury to remove the public deposits from that bank, and to transfer them to State banks; that he had asked the members of the cabinet to give him their opinions on the subject; that the President had said, 'Mr. Taney and Mr. Barry had come out like men for the removal;' that Mr. McLane had given a long opinion against it; that Mr. Cass was supposed to be against it, but had given no written opinion; and that Mr. Woodbury had given an opinion which was 'yes' and 'no'; that the President would make the act his own, by addressing a paper or order to the Secretary of the Treasury; that Mr. Amos Kendall, *who was high in the President's confidence*, was now *preparing that paper*; that there had been delay, owing to the affair at Alexandria; [Lieutenant Randolph's assault on the President] but, no doubt, the President would soon speak to me on the subject; that the paper referred to, would be put forth as the Proclamation had been, and would be made a rallying point; that he (Mr. Whitney) had, at the desire of the President, drawn up a *memoir or exposition*, showing that the measure might be safely adopted, and that the State banks would be fully adequate to all the purposes of Government. He then read the exposition to me; and, as I desired to understand matters so important and so singularly presented, I asked him to leave the paper with me, which he accordingly did. He also read to me divers letters from individuals connected with State banks. The drift of his further observations was to satisfy me, that the *Executive arm alone* could be relied on, to prevent a renewal of the U. S. Bank charter.

"The communication thus made to me created surprise and mortification. I was surprised at the position of affairs which it revealed; and mortified at the low estimate which had been formed of the independence of my character. I listened, however, re-

spectfully, to one who gave such *evidence of the confidence reposed in him*; and awaited the explanation, which he intimated the President would give.

"Soon after this interview, I took occasion to express my mortification at my position, to the member of the cabinet who had represented the President in asking me to accept office.

"On the next evening (Sunday) Mr. Whitney again called on me, in company with a stranger, whom he introduced as Mr. Amos Kendall, a *gentleman in the President's confidence*, who would give me any *further explanations*, that I might desire, as to what *was meditated in relation to the U. S. Bank*, and who then called on me, because he *was about to proceed forthwith to Baltimore*. I did not invite, nor check, communication. Very little was said, and perhaps because I could not wholly conceal my mortification at an attempt, apparently made with the sanction of the President, to reduce me to a *mere cipher* in the Administration.

"The next morning, June 3, I waited upon the President, and, *as I had been apprized by Mr. Whitney would be the case*, he soon introduced the *subject of the bank*. I stated that Mr. Whitney had made known to me what had been done, and what was intended, and had intimated that his communication was made *at the President's desire*. The President replied, in a tone of dissatisfaction, that it was true he had *conferred with Mr. Whitney*, and obtained information from him as to the bank, but *that he did not make him his confidant, nor had he told him to call on me*.^{*} I enumerated the representations which Mr. Whitney had made, and *their correctness was admitted*. I said, I feared that I should not be able to see the subject in the light which the President viewed it; to which he remarked, that he liked frankness; that my predecessor and himself had sometimes differed in opinion, but it had made no difference in feeling, and should not in my case;[†] that the matter under consideration was of vast consequence to the country; that unless the bank was *broken down*, it would *break us down*; that if the last Congress had remained a week longer in session, *two-thirds would have been secured for the bank by corrupt means*; and that the like result might be apprehended at the next Congress; that such a State bank agency must be put in operation, before the meeting of Congress, as would show that the United States bank was not necessary, and thus some members would have no excuse for voting for it. My suggestions as to an *inquiry by Congress*, as in December, 1832, or a recourse to the Judiciary, the President *repelled*, saying *it would be idle to rely upon either*; referring, as to the Judiciary, to decisions already made, as indications of what would be the effect of an appeal to them in future.

"After mentioning that he would speak to me again, before his departure to the eastward, the President said, he would take with him the *opinions* of the members of the cabinet, but would send them to me from New York, along with his *views*; and, on his return, would expect me to give him my sentiments frankly and fully. On the 5th of June, the day before his departure, we accordingly had another conversation, which he ended by saying, he did not wish any one to conceal his opinions, and that all he asked was, that I should reflect with a view to the public good.

"I had heard rumors of the existence of an *influence* at Washington, *unknown to the constitution and to the country*; and the conviction, that they were *well-founded*, now became *irresistible*. I knew that four of the six members of the last cabinet, and that four of the six members of the present cabinet, opposed a removal of the deposits; and *yet their exertions were nullified by individuals, whose intercourse with the President was clandestine*. During his absence, *several of those individuals called on me*, and made many of the *identical observations*, in the *identical language*, used by himself. They represented Congress as *corruptible*, and the *new members* as in need of *special guidance*. They pointed out the importance of a *test question*, at the opening of the *new Congress, for party purposes*. They argued, that the *exercise of the veto power must be secured*; that it could be in no other way so *effectually attained as by at once removing the deposits*; and that, unless they were removed, the President would be *thwarted by Congress*. In short, I felt satisfied, from all that I saw and heard, that

^{*} Who is correct, THE PRESIDENT or MR. WHITNEY? The latter alleged that he possessed the *confidence* of the President; and, as an evidence, *detailing* the circumstances, mentioned in the text. The President *denied* that Mr. Whitney was his *confidant*, yet *admitted the accuracy of his representations*. While he was in Baltimore, on the 6th or 7th of June, the President related to Mr. Whitney what had passed between us on the 3d: so, at least, said Mr. Whitney, and I think truly, for he repeated to me what actually had been said, by the President and myself, in the conversation referred to. The following letter will give further aid in deciding the question. [Letter of Whitney, detailing other confidential matters *deciding the question of veracity*, omitted.]

"*factions and selfish views alone guided those who had influence with the Executive ; and that the true welfare and honor of the country constituted no part of their objects.*"

"I was painfully impressed with these convictions, and also mortified that I should have been considered capable of entering into schemes like these ; when, on the 1st of July, I received from the President, the *letter and views*, embraced in the next chapter."

2d. Extract from the same, page 98.

"As soon as the occurrences alluded to in the eighth chapter took place, my confidence in the *sincerity* of the President began to waver. It appeared to me, that, although my retirement, in a manner not dissatisfactory to myself, might be aimed at ; means were taken, at the same time, to prevent clamor at my expulsion from office, should that take place. With the latter object, I was assailed simultaneously in the semi-official newspapers, at Concord, Boston, Albany, New York, Trenton, and Cincinnati, especially ; and it was at the same time intimated to me, *that the agent to the State banks* [Kendall] had stimulated such attacks. As I had not tangible evidence on the latter point, I was not disposed to make a specific appeal to the President about it. Nevertheless, utter silence seemed to be improper, and to favor the views of his *CLANDESTINE associates.*"

3d. Extract from the same, page 113.

"The concluding letter, in the preceding chapter, terminated all intercourse whatever, between the President and myself. Within the five years, which have intervened, I have often read the foregoing correspondence ; truly inclined to discover any error of fact or temper, and to avow the discovery, if made. The result, invariably, has been, a persuasion that no just cause of complaint existed. No attempt has been made to controvert any of my statements ; and, as to my conduct, the preceding letters manifest any thing rather than disrespect for the Executive. If I offended at all, it was against myself. The tone of my communications, instead of being excusably indignant, was inexcusably deprecatory.

"I remained at Washington until the 27th of September. In the early part of that day, as I was preparing for my intended departure, about noon, I was informed that I had been assailed in the official paper. Supposing this to be the case, I wrote a parting letter to the President's secretary, which I hoped might check the course of impending proscription. Nothing was more remote from my inclination than to 'come out' against the President, as he termed it, at our last interview. My long silence, under aspersion on one side, and amidst demands for explanation on the other, proved my sincerity in this respect. The only anticipation which I entertained was, that there would be an *official inquiry* ; and, until then, I resolved to rest upon my personal reputation and official acts.

"The letter which I thus wrote to the President's secretary, was left in the care of a friend, to be presented or sent to him ; and, as soon as I had thus disposed of it, I left Washington. To my surprise, I received an acknowledgment of it, a few days afterwards ; an acknowledgment of such a character, that I at once wrote a commentary upon it. I was impressed with a belief, that the reply had been prepared by Mr. Kendall, at the desire of the President ; and that it ought not to be regarded as the personal act of Mr. Donelson."

4th. Extract from the same, page 119.

"It is said, in the next place, that, among my reasons for refusing to remove the deposites, there were several which were calculated to impugn the motives of those who differed from me. The reasons alluded to are these :

"*Because, I believe that the efforts, made in various quarters, to hasten the removal of the deposites, did not originate with patriots or statesmen, but in schemes to promote factious and selfish purposes.*"

"*Because, it has been attempted by persons and presses, known to be in the confidence and pay of the administration, to intimidate and constrain the Secretary of the Treasury, to execute an act in direct contradiction to his solemn convictions.*"

"These and my other reasons for refusing to remove the deposites, were not hastily formed or wantonly uttered. My confidence in their soundness rested upon a mass of circumstances. The President himself could give negative evidence. *What patriot or statesman, or even disinterested person, urged him to remove the deposites ?* Were the only patriots or statesmen of the country to be found in the banks and clubs at Boston, Albany, New York, Philadelphia, and Baltimore ? *Did a few individuals at Washington* represent the public virtue or private disinterestedness of the Union ? The President was exceedingly anxious to have at least a majority of the cabinet with him ; and, to gain that object, would undoubtedly have told them, if *ANY PATRIOTS OR STATESMEN sustained his course.* *To my knowledge, no such support was ever given, or appealed to.* For my own part, I confidently assert, that of the many persons who wrote and

"spoke to me on the subject, there was not one, whose zeal could not be fairly traced to *the spirit of faction or of speculation*. My belief on this point, therefore, was not factitious or voluntary, but absolute and inevitable.

"With power to send for persons and papers, I am satisfied that *I could establish the existence of a conspiracy to drive me from office, and to cast suspicion around my conduct, in order to excuse that outrage*. The file of the official paper itself is testimony in point. The simultaneous attacks made upon me, in eastern, northern, and western newspapers, sustain my belief. The paragraphs in them were so nearly identical in drift and phraseology, that they could not have been spontaneous or indigenous. I have no doubt whatever of their origin at Washington.

"The reasons referred to, therefore, had much to do with the merits of the question. I had a right, I was bound, to avow my dispassionate belief; and I am quite at a loss to conceive, why the President whose motives I did not call in question, should identify himself with individuals who should be permitted to rely on their own acts and reputation."

5th. Extract from the same, page 133.

"The truth is, I consider the President intoxicated with power and flattery. 'Constant dropping wears away stones.' Why, indeed, should we be surprised, that he bent under the influence of such passions, as, in ancient and modern times, overcame men greater by nature and education than he is. It is the fact, that men change, that makes a republic preferable to a monarchy. Washington and Jefferson would not trust themselves with power longer than eight years. General Jackson was, at one time, so fearful of the influence of power and passion upon himself, that he was in favor of limiting service in the Presidency to four years! But what a revolution do we behold! now he is not only content to retain power for eight years, but desirous to transfer it to a favorite! Such is the effect of power and flattery! Are you amazed! I am not; the matter is easily explained. When he came into office, the President supposed that he would find much purity at Washington, especially among his supporters, who had been making so many professions. Instead of that, he found the leaders at the heads of factions, each desiring to drive the coach of state. He found his tables groaning under the weight of petitions for offices. He saw several of the late friends of his competitor, standing, with caps in hand, to catch the falling crumbs. He heard adulation from every body, plain truth from nobody. He came into office to be the friend of the whole people, but he became the mere purveyor for the hungry expectants of discordant factions. In short, all the circumstances around him were calculated to make him entertain an exalted opinion of himself, and a contemptuous one of others. His own natural passions contributed to this result. Such is my explanation—my apology, if you please. He is changed, or else we knew him not."

6th. Extract from the same, page 140.

"A faction, and not a party, now rule our country: devotion to a man has been substituted for love of liberty: the ruling faction intend, by using the fame of General Jackson, and the money of the people, to perpetuate their power. So that I am not surprised, that, in Virginia especially, where base passions have never predominated in public affairs, all minor considerations should be merged in a holy anxiety for the preservation of those institutions, upon which our own prosperity, and that of our posterity, depends."

7th. Extract from the same, page 143.

"I rejoice that Pennsylvania begins to feel, as she should do, at a crisis like the present; and I shall be proud indeed to see her again the ally of Virginia, that patriotic State, which has ever been gallantly in the van, when the liberties of the people have been in danger. Let us trust that she will prefer a co-operation for honor, to be gained in saving the republic, to a combination for 'spoils' to be wrung from the people as tokens of their degradation."

But had it constituted any part of Mr. Duane's purpose to enter into researches beyond the narrative and correspondence concerning the removal of the deposits," in which he was called on by the President to be the instrument, he could have traced the insidious causes by which that measure was finally brought about, to their origin early in the first year of General Jackson's administration, as manifested by the correspondence of certain members of the same "clandestine" faction, addressed to the Secretary of the Treasury, first, with a view to convert the United States Bank into a political engine for the administration, by making false complaints of its party character against it, and, secondly, to procure the removal of the pension fund and agency from the branches of the said bank, upon the first proposition being resisted and the complaints refuted as a party calumny.

The correspondence commenced in the names of the political Siamese, Isaac Hill and Levi Woodbury, of mock democratic memory—Kendall, the well known chief of the faction, having the artifice to keep his name concealed for maturer operations: for, that he had a hand in those counsels is obvious, from a remark of Mr. Ingham, who states the fact, in his letter to the president of the bank, conveying the letters of Mr. Hill and Mr. Woodbury, that several complaints of the same kind had already been made to him, calling for the exercise of his authority in like manner in Kentucky and elsewhere. Now, in order to lay a proper estimate on the comprehensiveness of these operations as originating at Washington, it is sufficient to note the remarkable coincidence of the sections of country in which they are put in motion, (the former residences, of Isaac, Amos, and Levi,) and to trace the footsteps of the same personages in their subsequent operations on the financial agencies and resources of the country. The same correspondence shows that the pension funds were illegally removed shortly after by Major Eaton, Secretary of War, and reputed coadjutor of the faction. These facts are the more important, at the present moment, as they show the early existence of efforts gotten up under the patronage of the Executive, to grasp and appropriate the moneyed power for political electioneering purposes, to which their disastrous consequences impart a consideration, now, that they did not at first receive. This correspondence, of which it is impossible to give an adequate sketch here, may be seen in full, in the report of the Committee of Ways and Means, on the affairs of the bank, made to Congress the 30th April, 1832, and in the appendix of "Sketches on Finance," published by the undersigned in 1837.

Finally, if any thing were wanting to make the iniquity, the treachery, the premeditated frauds and double dealing, displayed by the foregoing fragments of Jacksonism, more complete than they are demonstrated to be in all their congregated enormity, wicked depravity, and unparalleled boldness, it would be found in the means resorted to in the finale of the catalogue, to persuade, to coerce, to bribe, and to intimidate Mr. Duane into the consummation of the magnificent villainy of plundering the Treasury! Referring the reader to Mr. Duane's narrative, in general, I shall only invite his attention, here, to a short extract, as a curiosity of its kind, from General Jackson's familiar and endearing letter from Boston, accompanying his official paper of the same date, (page 12, chapter 2, of the Narrative,) viz:

"BOSTON, June 26, 1833.

"W. J. DUANE, *Secretary of the Treasury*:

"MY DEAR SIR: I send you herewith a paper, containing my views upon the subject of a discontinuance of Government deposits in the Bank of the United States, and the substitution of certain State banks as the fiscal agents of the United States, so far as those duties are now performed by that institution.

"The only difficulty, I have for some time had upon the subject, has been, as it respects the time, when this change should commence. Upon a careful review of the subject, in all its bearings, I have come to the conclusion that it ought to be done as soon as we can get ready, and at furthest, by the 1st or 15th of September next, so that we may have it in our power to present the new system to Congress, in complete and successful operation at the commencement of the session"—[according to the requirement of the constitution, "to report the state of the Union, and to suggest measures," as he understands it, perhaps!]

"In furtherance of this object, it is in my opinion desirable, that you should appoint a discreet agent [Amos] to proceed forthwith, with proper credentials from your Department, to the cities of Baltimore, Philadelphia, New York, and Boston, to consult with presidents and directors of State banks, in those cities, upon the practicability of making an arrangement with them, or some of them, upon something like the following terms, viz: " * * * * [after giving the terms he would prescribe, in detail, he concludes with this extraordinary paragraph, in which he recognises the illegality of the very interference he is now practising, and endeavors to persuade the Secretary to perjure himself by adopting it upon oath (all official reports of sworn officers are necessarily on oath*) as his own: a measure, with reasons for it, set forth, nevertheless, in the same letter and accompanying paper as the President's, as if the proposed lie of the Secretary and the actual lie of the President would, in their union, neutralize each other's virus, and become an innocent compound, upon the chemical principle of double elective attraction—a science, from which he has unconsciously perpetrated this unique figure, of which he knows nothing, and therefore refers the entire claim for its extraordinary originality to his unrivaled powers and resources, in the art of counterfeiting the truth, without the aid of science, or the restraints of moral education!]

"In making to you, my dear sir, this frank and explicit avowal of my opinions and

“feelings it is not my intention to interfere with the independent exercise of the discretion committed to you, by law, over the subject. I have thought it, however, due to you, under the circumstances, to place before you, with this restriction, my sentiments upon the subject, to the end that you may, upon my responsibility, allow them to enter into your decision upon the subject, and into any future exposition of it, as far as you may deem it proper.

“I have the honor to be, very respectfully, your most obedient servant and friend,

“ANDREW JACKSON.”

Now let us hear what Mr. Duane says about this letter—see Narrative, page 37, viz: “Before I received the views of the Executive, or the opinions of the ministers, I had felt embarrassment,” &c. “When, however, I read the concluding passage of his letter from Boston, my anxiety was, in a great measure, if not altogether, removed. If he meant any thing, I concluded that the President concurred in the view, of the 16th section of the charter, which I was disposed to take; namely, that, in passing it, Congress had exercised its constitutional right, to regulate the conduct of the head of the Treasury Department, in relation to the care and custody of the public treasure. I supposed he admitted that the Secretary of the Treasury, representing the constitutional guardians of the public purse, had an exclusive right, under their control, to remove or not to remove, the public deposits; and that he now pledged himself not to interfere,” &c.

But Mr. Duane had not yet learnt the unbounded treachery of those he had to deal with; his security, therefore, and that of the public treasure, were entirely deceptive, from a mistaken reliance on the solemn pledge of one whose trade was to make promises for effect, and break them at convenience. Under this false security, Mr. Duane was decoyed, step by step, through all the preparatory arrangements, to the verge of the very last step, thinking it would be practicable there to stop, as he did, by refusing to take that step, which he could not approve, and for which he alone would be answerable to Congress and the nation. At this conjuncture, the next thing in course was, for the President to resort to his accustomed manoeuvre, to solicit Mr. Duane to accept an honorable exile, as a palatable bribe to put him out of the way of selecting a Secretary of the Treasury who would be pledged before hand to do his bidding. Accordingly, the work being done—after the peremptory dismissal of Mr. Duane because his sense of honor forbade him either to make the removal or accept the bribe to resign, and the appointment of Mr. Taney in his stead because he had given a written opinion, pledging himself in favor of the removal—the President, in his next annual message to Congress, practises a moral perjury, to say the least of it, by stating that the Secretary of the Treasury had done the very deed which he himself had boastfully assumed the responsibility to do, through a long and tortuous process of a thousand devices, shifts, and prevarications!

IN CONCLUSION, from the foregoing *fragments* of evidence appertaining to the exuberant official corruption patronised and concealed by Andrew Jackson, and going to impugn his veracity and integrity through the whole course of his administration, I freely submit it to the decision of an intelligent, ingenuous, and dispassionate public, what degree of credibility is due to a mere *surmise* of his, (assumed as the foundation of a pretended “belief,”) made under circumstances of manifest personal resentment to me, and in defiance of the palpable physical impracticability and moral absurdity which environ it and set it at naught, besides the multiplicity of documentary facts contradictory to all the specifications of his affidavit!

ROBERT MAYO.

WASHINGTON, April, 1840.

* It is greatly to be deplored that this *disregard of the solemn obligations of truth* should have become so contagious among high executive officers as it obviously has of late years. No one can deny that every communication or report from a sworn officer, is, *necessarily*, under the impress and the sanctity of his official OATH! Yet I could point out some scores of falsehoods in Executive and other official communications made to Congress within a few years past!!!

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[Fragments of Jacksonism.]

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The advertisement to the third edition of this pamphlet discusses the subject of public interest in all matters of calumny, by whomsoever perpetrated—see the back of title.		monstrating the main allegation to be physically impracticable and morally absurd, and the accessory ones to be in most respects as false, viz:	6
The Author's letter to General Jackson, in Dec., 1830, (see appendix, [A.]) respecting Houston's conspiracy against Mexico, returned to him by the President's messenger, in 1836, with a copy of the President's letter to Fulton, filed and enveloped in the same, as evidence of the President's action on it.	3	1st. Of the GUESS or surmise of the AFFIANT, assumed as the foundation of a pretended "belief" that the plaintiff purloined the said copy.	7
The author accused by the editors of the Globe with purloining said copy of Jackson's letter to Fulton: for which libel he institutes a suit against said editors.	1	2d. Of certain false allegations (respecting two confidential letters that never existed) set forth as "reasons" to support the AFFIANT's pretended "belief," founded on a GUESS.	9
Preparatory to the trial of said suit, (at November term, 1840,) the defendants procured the AFFIDAVIT of Andrew Jackson, in plea of justification: an official copy of which is here published.	5	3d. Of other auxiliary "reasons" (respecting a proscription list) in many respects equally false, alleged also to support the said pretended "belief," founded on a GUESS.	14
The MATERIAL ALLEGATIONS of which <i>unfamous affidavit</i> are discussed under three heads, (de-		All of which going to show, that the AFFIANT was probably the author of this foul calumny, which he obviously would never have thought of or uttered, had the plaintiff commended instead of censuring and exposing his connivance at Houston's conspiracy.	15

APPENDIX.

[A.] The said original letter, addressed to the President, in December, 1830, respecting the Houston conspiracy, and returned to the Author, in 1836, but designedly kept out of view by the AFFIANT in his aforesaid affidavit.		Washington, to the President, accompanied with a list of charges, called its sequel, which the AFFIANT falsely describes in every particular in the aforesaid affidavit.	17
[B.] The said copy of Jackson's letter to Fulton, purporting to be his action on the aforesaid letter, filed in the same as evidence thereof, (and accompanied it on delivery as above,) but designedly not so recognised in said affidavit.	15	[D.] The President's letter, by his Secretary, to the signers of the said memorial, showing that he declined acting on it and its sequel, as he falsely said he did in the aforesaid affidavit.	19
[C.] The said memorial of sundry citizens of		Another Jackson affidavit, in the suit of the Post Office Department vs. the late Postmaster at New York, proved, in the court, to be false.	20

SUPPLEMENTARY NOTES TO THIRD EDITION.

Note [a.] gives further evidence of a standing request with the President's Secretary to return the author's communications from time to time, in pursuance of which probably the aforesaid letter on Houston's conspiracy, and the President's action on it, were handed to him by the President's messenger, as he has invariably stated.	25	had commissioned to prepare it, because it involved many of his own favorites, he unfeelingly turning a DEAF EAR to all representations against them.	30
Note [b.] gives further illustration of the artifices of the affiant, deducible from his keeping out of view the fact, that the letter to Fulton was an action on the plaintiff's letter of December, 1830, aforesaid.	26	III. IV. Fragments in confirmation of the above, relative to the incompetency of the heads of certain bureaus, and their mal-administration, with their mischievous consequences, connived at by General Jackson—whereas, a correct administration of the intricate laws appertaining to these bureaus, calls for such errors learned in the law, to be placed at their head.	35, 37
Note [c.] gives extracts from the correspondence between the Secretary of State and the British Minister, showing the verisimilitude between the agitations against Mexico and Canada respectively, and the contrast between the treatment each received from Jackson and Van Buren severally.	28	V. VI. Fragments showing that the system of <i>spoils on the Treasury</i> under the pretence of <i>rotation in office</i> , were the "very errors of the moon" which characterized the Jackson era; tracing them back not only to the ruin made upon the President by his partisan claimants of the spoils at his inauguration, but to the rejection of an eminent jurist and civilian as a Justice of the Supreme Court, three months before, to reserve the spoils of the vacancy for Jackson's disposal.	41
Note [d.]		VII. A sketch relative to the origin, objects, and explosion of the Central Hibernia Club, put in operation here by Amos Kondal, as a party engine to elect Martin Van Buren and to destroy the institutions of the country, commencing with the United States Bank, and "to prosecute a work so well begun," by favor of Jackson's popularity transferred to the arch magician.	44
I. Fragments relative to proscription or rotation in office, (as previously spoken of in the text,) for which the Executive was responsible, as prescribing and adjudging the rule, but not those who, by request, assisted in collecting the desired information.	29		
II. Fragments relative to another list, (in 1832, called a memorial and sequel, as before mentioned,) regularly gotten up under the authority of the Executive, for which he was equally responsible, but treacherously evaded it, by throwing it on the shoulders of those he			

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VIII. Fragments of the results of investigations by the Senate's Committee on the Post Office Department, exposing its mal-administration and bankruptcy, according to the report of Mr. Clayton, 2d March, 1831 . . .	44	ity are impugned, and usurpations of the most alarming character exposed . . .	54
IX. X. Fragments of the results of Mr. Ewing's first and second reports in behalf of a select committee of the Senate on the same Department, exposing its aggravated mal-administration under William T. Barry, to June 9, 1834 . . .	46, 48	XIV. Fragments of the results of the report of the select committee of the House of Representatives appointed to investigate the Swartwout and other defalcations, showing that the spell of enchantment which the depraved popularity of Jackson and his arts of secrecy had thrown around the charnel-houses of the spoils being now broken, his certificate of the ability and the integrity of the Departments proves to have been a premeditated falsehood to stave off the detection of their dark deeds before his retirement from office . . .	66
XI. Fragments of the results of the report of the select committee of the House of Representatives, on the same Department, during the same period, confirming the above, and detecting certain concealments from a former committee . . .	51	Additional note, showing, by extracts from Duane's narrative respecting the removal of the deposits, what were the clandestine influences of Kendall & Co., by which General Jackson had been actuated in that measure of unparalleled outrage, for purposes of individual speculation and factious domination, in defiance of all the patriotic counsel of the nation . . .	73
XII. A sketch of the results of investigations by the Senate's Committee on Public Lands, according to their report, read and ordered to be printed, 15th December, 1834, exposing manifold corruptions and frauds by receivers, registers, &c. . .	53	IN CONCLUSION, the question is submitted: What degree of credibility is due to the partisan testimony of one who has been thus instrumental in such multifarious public wrongs, in which he has been obviously under the depraved influence of the demon <i>party spirit</i> , and now more especially incited by personal resentment towards the plaintiff, and party devotion to his former organs, the defendants? . . .	78
XIII. Extracts from Mr. Wice's report, made 27th February, 1837, as a minority of the select committee of the House of Representatives to whom was referred that portion of General Jackson's last annual message <i>testifying to the ability and fidelity of the executive departments during his administration, by which the President's veracity and integ-</i>			

ERRATUM.

The date of General Jackson's letter of the 26th of January, 1837, (page 55.) is, by inadvertence, printed 1840. The error is, however, fully corrected by the context, independently of this notice.

§ The reader will doubtless perceive that the foregoing FRAGMENTS OF JACKSONISM, in the form of supplement to this refutation of Jackson's affidavit are not misplaced here. On the contrary, he will find, they are very pertinent to the occasion, to show the fraternity of most of General Jackson's official and personal wrong doings, where either the demon *party spirit*, individual *favoritism*, or personal *resentment*, exercise their wonted malign and depraved influence upon him. But, independently of the necessity of defending myself, by this enlarged range of testimony, against the *calumnious attacks* made on me for personal and party revenge, (though certainly *not believed in* by the fabricators thereof themselves, and therefore the more heinous,) the difficulties I have encountered, for want of pecuniary resources, as yet, to complete the publication of "Eight years in Washington," have rendered it desirable to crowd these FRAGMENTS into this pamphlet, to serve also as a temporary though imperfect substitute for the balance of that work. R. M.

FINS.



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